

























INDEX

LEGISLATIVE ASSEMBLY  
OF ONTARIO

FIRST SESSION

THIRTY-FIRST PARLIAMENT

Airports Act—	33
Assessment Act—Act to amend	91
Audit Act—Act to revise	43

C

Children—Act to reform the Law respecting the Status of	61
Children—Act to provide for the <u>Transfer of Services</u> relating to	23
Condominium Act—Act to amend	115
Corporations Tax Act, 1972—Act to amend	15
—Act to amend	33
County Judges Act—Act to amend	79

D

District Municipality of Muskoka—Act to amend	37
---	----

BILLS  
AS ENACTED

Essex County Board of Education to provide a French-language Secondary School—Act to require	3
--	---

F

Farm Products Payments Act—Act to amend	45
Farm Products Marketing Act—A	102

G

Gift Tax Act, 1972—Act to amend	16
---------------------------------	----

H

Highway Traffic Act—Act to amend	19
—Act to amend	85

SESSION

JUNE 27th to JULY 12th, 1977

AND

OCTOBER 17th to DECEMBER 16th, 1977

Income Tax	5
Income Tax Refunds—Act to regulate the distribution of	99





## INDEX

FIRST SESSION, THIRTY-FIRST PARLIAMENT

## PUBLIC BILLS (GOVERNMENT)

	Bill No.
<b>A</b>	
Airports Act—Act to amend.....	35
Assessment Act—Act to amend.....	91
Audit Act—Act to revise.....	43
<b>C</b>	
Children—Act to reform the Law respecting the Status of.....	61
Children—Act to provide for the Transfer of Services relating to.....	23
Condominium Act—Act to amend.....	115
Corporations Tax Act, 1972—Act to amend.....	15
—Act to amend.....	88
County Judges Act—Act to amend.....	78
<b>D</b>	
District Municipality of Muskoka Act—Act to amend.....	37
<b>E</b>	
Essex County Board of Education to provide a French-language Secondary School—Act to require.....	3
<b>F</b>	
Farm Products Payments Act—Act to amend.....	45
Farm Products Marketing Act—Act to amend.....	102
<b>G</b>	
Gift Tax Act, 1972—Act to amend.....	16
<b>H</b>	
Highway Traffic Act—Act to amend.....	19
—Act to amend.....	85
—Act to amend.....	107
—Act to amend.....	112
<b>I</b>	
Income Tax Act—Act to amend.....	5
Income Tax Refunds—Act to regulate the Discounting of.....	99



Judicature Act—Act to amend.....	77
—Act to amend.....	79

## L

Labour Relations Act—Act to amend.....	22
Land Speculation Tax Act, 1974—Act to amend.....	14
Land Transfer Tax Act, 1974—Act to amend.....	13
Legislative Assembly Act—Act to amend.....	26
—Act to amend.....	47
—Act to amend.....	122
Legislative Assembly Retirement Allowances Act, 1973—Act to amend...	48
—Act to amend...	123

## M

Marriage Act—Act to revise .....	62
Milk Act—Act to amend.....	103
Ministry of Northern Affairs—Act to establish.....	21
Motor Vehicle Tax Act—Act to amend.....	17
Motorized Snow Vehicles Act, 1974—Act to amend.....	20
Municipal Act—Act to amend.....	40
Municipal Elections Act, 1972—Act to revise.....	98
Municipality of Metropolitan Toronto Act—Act to amend.....	39
—Act to amend.....	120

## N

Negligence Act—Act to amend.....	94
----------------------------------	----

## O

Ontario Guaranteed Annual Income Act, 1974—Act to amend.....	73
Ontario Unconditional Grants Act, 1975—Act to amend.....	6
Ontario Youth Employment Act, 1977.....	11
Oxford, County of—Act to provide for Municipal Hydro-Electric Service in the.....	111
Oxford Act, 1974, County of—Act to amend.....	38

## P

Peel Municipal Hydro-Electric Act, 1977.....	56
Personal Property Security Act—Act to amend.....	24
Provincial Courts Act—Act to amend.....	80
Public Transportation and Highway Improvement Act—Act to amend...	84
Public Vehicles Act—Act to amend.....	34



## R

Bill No.

*Raising of Money on the Credit of the Consolidated Revenue Fund—Act to authorize .....	8
Retail Sales Tax Act—Act to amend .....	12
Regional Municipalities—Act to amend certain Acts respecting .....	36
Ryerson Polytechnical Institute—Act respecting .....	25

## S

Sandwich, Windsor and Amherstburg Railway—Act respecting .....	97
Small Claims Courts Act—Act to amend .....	81
Succession Duty Act—Act to amend .....	7
Succession to the Estates of Deceased Persons—Act to reform the Law respecting .....	60
Successor Rights on the Transfer of and Undertaking to or from the Crown—Act to provide for .....	4
Supply Act, 1977 .....	130
Surrogate Courts Act—Act to amend .....	65

## T

Timmins-Porcupine Act, 1972—Act to amend .....	42
Tobacco Tax Act—Act to amend .....	10
Topsoil in Ontario—Act to preserve .....	72
Toronto Area Transit Operating Authority Act, 1974—Act to amend ...	44

## U

Unified Family Court Act, 1976—Act to amend .....	1
---	---

## V

Venture Investment Corporations—Act respecting the Registration of ...	9
--	---

## PRIVATE BILLS

## B

Bill No.

Burlington—Act respecting the City of..... Pr8

## C

Casgrain—Act respecting Certain Lands in the Township of..... Pr12

Chatham—Act respecting the City of..... Pr30

Circle R Boys Ranch—Act respecting..... Pr19

## D

Dover—Act respecting the Township of..... Pr2

## E

East Zorra-Tavistock—Act respecting the Township of..... Pr29

Etobicoke—Act respecting the Borough of..... Pr22

## F

Fuller-Austin of Canada Limited—An Act respecting..... Pr21

## G

Garnet Holdings Limited—Act respecting..... Pr31

Georgina—Act respecting the Township of..... Pr30

## H

Hamilton—Act respecting the City of..... Pr28

## K

Kedna Enterprises Limited—Act respecting..... Pr33

Kitchener—Act respecting the City of..... Pr17

## L

London—Act respecting the City of..... Pr10

## M

Matol Holdings Limited—Act respecting..... Pr23



N

Bill No.

Niagara Institute for International Studies—Act respecting..... Pr24

O

Ottawa—Act respecting the City of..... Pr14

P

Peterborough—Act respecting the County of..... Pr4

Port McNicoll—Act respecting the Village of..... Pr5

S

Sarnia—Act respecting the City of..... Pr25

—Act respecting the City of..... Pr34

Sault Ste. Marie—Act respecting the City of..... Pr9

Shore and Horwitz Construction Limited—Act respecting..... Pr35

Stanley Starr Limited—Act respecting..... Pr32

T

Toronto—Act respecting the City of..... Pr18

Tay—Act respecting the Township of..... Pr1

Thunder Bay—Act respecting the City of..... Pr36

W

Windsor—Act respecting the City of..... Pr11

—Act respecting the City of..... Pr27





LEGISLATIVE ASSEMBLY  
OF ONTARIO

FIRST SESSION  
THIRTY-FIRST PARLIAMENT

---

BILLS  
AS ENACTED

---

SESSION  
JUNE 27th to JULY 12th, 1977  
AND  
OCTOBER 17th to DECEMBER 16th, 1977





# INDEX

## FIRST SESSION, THIRTY-FIRST PARLIAMENT

### PUBLIC BILLS (GOVERNMENT)

	Bill No.
<b>A</b>	
Airports Act—Act to amend .....	35
Assessment Act—Act to amend .....	91
Audit Act—Act to revise .....	43
<b>C</b>	
Children—Act to reform the Law respecting the Status of .....	61
Children—Act to provide for the Transfer of Services relating to .....	23
Condominium Act—Act to amend .....	115
Corporations Tax Act, 1972—Act to amend .....	15
—Act to amend .....	88
County Judges Act—Act to amend .....	78
<b>D</b>	
District Municipality of Muskoka Act—Act to amend .....	37
<b>E</b>	
Essex County Board of Education to provide a French-language Secondary School—Act to require .....	3
<b>F</b>	
Farm Products Payments Act—Act to amend .....	45
Farm Products Marketing Act—Act to amend .....	102
<b>G</b>	
Gift Tax Act, 1972—Act to amend .....	16
<b>H</b>	
Highway Traffic Act—Act to amend .....	19
—Act to amend .....	85
—Act to amend .....	107
—Act to amend .....	112
<b>I</b>	
Income Tax Act—Act to amend .....	5
Income Tax Refunds—Act to regulate the Discounting of .....	99

**J**

Bill No.

Judicature Act—Act to amend .....	77
—Act to amend .....	79

**L**

Labour Relations Act—Act to amend .....	22
Land Speculation Tax Act, 1974—Act to amend .....	14
Land Transfer Tax Act, 1974—Act to amend .....	13
Legislative Assembly Act—Act to amend .....	26
—Act to amend .....	47
—Act to amend .....	122
Legislative Assembly Retirement Allowances Act, 1973—Act to amend...	48
—Act to amend...	123

**M**

Marriage Act—Act to revise .....	62
Milk Act—Act to amend .....	103
Ministry of Northern Affairs—Act to establish .....	21
Motor Vehicle Tax Act—Act to amend .....	17
Motorized Snow Vehicles Act, 1974—Act to amend .....	20
Municipal Act—Act to amend .....	40
Municipal Elections Act, 1972—Act to revise .....	98
Municipality of Metropolitan Toronto Act—Act to amend .....	39
—Act to amend .....	120

**N**

Negligence Act—Act to amend .....	94
-----------------------------------	----

**O**

Ontario Guaranteed Annual Income Act, 1974—Act to amend .....	73
Ontario Unconditional Grants Act, 1975—Act to amend .....	6
Ontario Youth Employment Act, 1977 .....	11
Oxford, County of—Act to provide for Municipal Hydro-Electric Service in the .....	111
Oxford Act, 1974, County of—Act to amend .....	38

**P**

Peel Municipal Hydro-Electric Act, 1977 .....	56
Personal Property Security Act—Act to amend .....	24
Provincial Courts Act—Act to amend .....	80
Public Transportation and Highway Improvement Act—Act to amend...	84
Public Vehicles Act—Act to amend .....	34



*Raising of Money on the Credit of the Consolidated Revenue Fund—Act to authorize .....	8
Retail Sales Tax Act—Act to amend .....	12
Regional Municipalities—Act to amend certain Acts respecting .....	36
Ryerson Polytechnical Institute—Act respecting .....	25

## S

Sandwich, Windsor and Amherstburg Railway—Act respecting .....	97
Small Claims Courts Act—Act to amend .....	81
Succession Duty Act—Act to amend .....	7
Succession to the Estates of Deceased Persons—Act to reform the Law respecting .....	60
Successor Rights on the Transfer of and Undertaking to or from the Crown—Act to provide for .....	4
Supply Act, 1977 .....	130
Surrogate Courts Act—Act to amend .....	65

## T

Timmins-Porcupine Act, 1972—Act to amend .....	42
Tobacco Tax Act—Act to amend .....	10
Topsoil in Ontario—Act to preserve .....	72
Toronto Area Transit Operating Authority Act, 1974—Act to amend ....	44

## U

Unified Family Court Act, 1976—Act to amend .....	1
---	---

## V

Venture Investment Corporations—Act respecting the Registration of ...	9
--	---

## PRIVATE BILLS

## B

Bill No.

Burlington—Act respecting the City of..... Pr8

## C

Casgrain—Act respecting Certain Lands in the Township of..... Pr12

Chatham—Act respecting the City of..... Pr30

Circle R Boys Ranch—Act respecting..... Pr19

## D

Dover—Act respecting the Township of..... Pr2

## E

East Zorra-Tavistock—Act respecting the Township of..... Pr29

Etobicoke—Act respecting the Borough of..... Pr22

## F

Fuller-Austin of Canada Limited—An Act respecting..... Pr21

## G

Garnet Holdings Limited—Act respecting..... Pr31

Georgina—Act respecting the Township of..... Pr30

## H

Hamilton—Act respecting the City of..... Pr28

## K

Kedna Enterprises Limited—Act respecting..... Pr33

Kitchener—Act respecting the City of..... Pr17

## L

London—Act respecting the City of..... Pr10

## M

Matol Holdings Limited—Act respecting..... Pr23



## N

Bill No.

Niagara Institute for International Studies—Act respecting..... Pr24

## O

Ottawa—Act respecting the City of..... Pr14

## P

Peterborough—Act respecting the County of..... Pr4

Port McNicoll—Act respecting the Village of..... Pr5

## S

Sarnia—Act respecting the City of..... Pr25

—Act respecting the City of..... Pr34

Sault Ste. Marie—Act respecting the City of..... Pr9

Shore and Horwitz Construction Limited—Act respecting..... Pr35

Stanley Starr Limited—Act respecting..... Pr32

## T

Toronto—Act respecting the City of..... Pr18

Tay—Act respecting the Township of..... Pr1

Thunder Bay—Act respecting the City of..... Pr36

## W

Windsor—Act respecting the City of..... Pr11

—Act respecting the City of..... Pr27





LEGISLATIVE ASSEMBLY  
OF ONTARIO

FIRST SESSION  
THIRTY-FIRST PARLIAMENT

---

BILLS  
AS ENACTED

---

SESSION  
JUNE 27th to JULY 12th, 1977  
AND  
OCTOBER 17th to DECEMBER 16th, 1977

# Y.1890122, ITTA121011

1912-1913

1912-1913

1912-1913

1912-1913

1912-1913

1912-1913



# INDEX

## FIRST SESSION, THIRTY-FIRST PARLIAMENT

### PUBLIC BILLS (GOVERNMENT)

#### A

Bill No.

Airports Act—Act to amend.....	35
Assessment Act—Act to amend.....	91
Audit Act—Act to revise.....	43

#### C

Children—Act to reform the Law respecting the Status of.....	61
Children—Act to provide for the Transfer of Services relating to.....	23
Condominium Act—Act to amend.....	115
Corporations Tax Act, 1972—Act to amend.....	15
—Act to amend.....	88
County Judges Act—Act to amend.....	78

#### D

District Municipality of Muskoka Act—Act to amend.....	37
--	----

#### E

Essex County Board of Education to provide a French-language Secondary School—Act to require.....	3
---	---

#### F

Farm Products Payments Act—Act to amend.....	45
Farm Products Marketing Act—Act to amend.....	102

#### G

Gift Tax Act, 1972—Act to amend.....	16
--------------------------------------	----

#### H

Highway Traffic Act—Act to amend.....	19
—Act to amend.....	85
—Act to amend.....	107
—Act to amend.....	112

#### I

Income Tax Act—Act to amend.....	5
Income Tax Refunds—Act to regulate the Discounting of.....	99

**J**

Bill No.

Judicature Act—Act to amend.....	77
—Act to amend.....	79

**L**

Labour Relations Act—Act to amend.....	22
Land Speculation Tax Act, 1974—Act to amend.....	14
Land Transfer Tax Act, 1974—Act to amend.....	13
Legislative Assembly Act—Act to amend.....	26
—Act to amend.....	47
—Act to amend.....	122
Legislative Assembly Retirement Allowances Act, 1973—Act to amend...	48
—Act to amend...	123

**M**

Marriage Act—Act to revise .....	62
Milk Act—Act to amend.....	103
Ministry of Northern Affairs—Act to establish.....	21
Motor Vehicle Tax Act—Act to amend.....	17
Motorized Snow Vehicles Act, 1974—Act to amend.....	20
Municipal Act—Act to amend.....	40
Municipal Elections Act, 1972—Act to revise.....	98
Municipality of Metropolitan Toronto Act—Act to amend.....	39
—Act to amend.....	120

**N**

Negligence Act—Act to amend.....	94
----------------------------------	----

**O**

Ontario Guaranteed Annual Income Act, 1974—Act to amend.....	73
Ontario Unconditional Grants Act, 1975—Act to amend.....	6
Ontario Youth Employment Act, 1977.....	11
Oxford, County of—Act to provide for Municipal Hydro-Electric Service in the.....	111
Oxford Act, 1974, County of—Act to amend.....	38

**P**

Peel Municipal Hydro-Electric Act, 1977.....	56
Personal Property Security Act—Act to amend.....	24
Provincial Courts Act—Act to amend.....	80
Public Transportation and Highway Improvement Act—Act to amend...	84
Public Vehicles Act—Act to amend.....	34



## R

Bill No.

*Raising of Money on the Credit of the Consolidated Revenue Fund—Act to authorize .....	8
Retail Sales Tax Act—Act to amend .....	12
Regional Municipalities—Act to amend certain Acts respecting .....	36
Ryerson Polytechnical Institute—Act respecting .....	25

## S

Sandwich, Windsor and Amherstburg Railway—Act respecting .....	97
Small Claims Courts Act—Act to amend .....	81
Succession Duty Act—Act to amend .....	7
Succession to the Estates of Deceased Persons—Act to reform the Law respecting .....	60
Successor Rights on the Transfer of and Undertaking to or from the Crown—Act to provide for .....	4
Supply Act, 1977 .....	130
Surrogate Courts Act—Act to amend .....	65

## T

Timmins-Porcupine Act, 1972—Act to amend .....	42
Tobacco Tax Act—Act to amend .....	10
Topsoil in Ontario—Act to preserve .....	72
Toronto Area Transit Operating Authority Act, 1974—Act to amend ....	44

## U

Unified Family Court Act, 1976—Act to amend .....	1
---	---

## V

Venture Investment Corporations—Act respecting the Registration of...	9
---	---

**PRIVATE BILLS****B**

Bill No.

Burlington—Act respecting the City of..... Pr8

**C**

Casgrain—Act respecting Certain Lands in the Township of..... Pr12

Chatham—Act respecting the City of..... Pr30

Circle R Boys Ranch—Act respecting..... Pr19

**D**

Dover—Act respecting the Township of..... Pr2

**E**

East Zorra-Tavistock—Act respecting the Township of..... Pr29

Etobicoke—Act respecting the Borough of..... Pr22

**F**

Fuller-Austin of Canada Limited—An Act respecting..... Pr21

**G**

Garnet Holdings Limited—Act respecting..... Pr31

Georgina—Act respecting the Township of..... Pr30

**H**

Hamilton—Act respecting the City of..... Pr28

**K**

Kedna Enterprises Limited—Act respecting..... Pr33

Kitchener—Act respecting the City of..... Pr17

**L**

London—Act respecting the City of..... Pr10

**M**

Matol Holdings Limited—Act respecting..... Pr23

## N

Bill No.

Niagara Institute for International Studies—Act respecting..... Pr24

## O

Ottawa—Act respecting the City of..... Pr14

## P

Peterborough—Act respecting the County of..... Pr4

Port McNicoll—Act respecting the Village of..... Pr5

## S

Sarnia—Act respecting the City of..... Pr25

—Act respecting the City of..... Pr34

Sault Ste. Marie—Act respecting the City of..... Pr9

Shore and Horwitz Construction Limited—Act respecting..... Pr35

Stanley Starr Limited—Act respecting..... Pr32

## T

Toronto—Act respecting the City of..... Pr18

Tay—Act respecting the Township of..... Pr1

Thunder Bay—Act respecting the City of..... Pr36

## W

Windsor—Act respecting the City of..... Pr11

—Act respecting the City of..... Pr27





*Pauline G. G. S. Hon*  
BILL Pr1

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the Township of Tay**

---

MR. SMITH  
Simcoe East

---





BILL Pr1

1977

## An Act respecting the Township of Tay

**W**HEREAS The Corporation of the Township of Tay Preamble  
 hereby represents that by-laws numbers 808, 811, 842  
 and 1213 of the Township in the County of Simcoe purported  
 to authorize the closing up and sale of certain road allowances  
 and subdivision roads; and whereas pursuant to the aforesaid  
 by-laws, conveyances were made by the said Township and  
 subsequently the said closed roads became parts of residential  
 subdivision lots upon which houses have been erected,  
 mortgaged and sold to many various owners; and whereas  
 the road allowances described in by-laws 808, 811 and 842  
 lead to the waters of Georgian Bay and therefore required  
 the approval of the Lieutenant Governor of Ontario, which  
 approval was not obtained and all of the aforesaid by-laws  
 808, 811, 842 and 1213 required approval by by-law of the  
 County of Simcoe within one year of the passing of the said  
 by-laws by the Township of Tay, which approval likewise  
 was not obtained; and whereas the omission by the Township  
 of Tay to obtain such required approval as aforesaid within  
 the requisite periods of time has rendered the aforesaid  
 by-laws of no force and effect and has thereby created a serious  
 cloud upon the titles of the present registered owners of the  
 aforesaid lots; and whereas The Corporation of the Township  
 of Tay hereby applies for special legislation to confirm and  
 validate by-laws numbers 808, 811, 842 and 1213; and whereas  
 it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. By-laws numbers 808, 811, 842 and 1213 of The Cor-  
 poration of the Township of Tay, set out as the Schedule  
 hereto, are hereby confirmed and declared to be valid and  
 binding from the respective dates of the passing of such  
 by-laws. By-laws  
confirmed

Conveyances  
confirmed

2. All conveyances by The Corporation of the Township of Tay pursuant to by-laws numbers 808, 811, 842 and 1213 are hereby ratified, confirmed and declared to be valid and binding.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Township of Tay Act*,

1077 PASSENTED TO BY LIEUTENANT-GOVERNOR Nov 25 19 77

ASSEMBLY PROROGUED December 16 19 77

SCHEDULE

CLERK  
LEGISLATIVE ASSEMBLY

# THE CORPORATION OF THE TOWNSHIP OF TAY

## BY-LAW No. 808

A BY-LAW for the purpose of stopping up and closing the original allowance for road across concessions eight and nine if any between lot fifteen and lot sixteen in the said Concession in the Township of Tay, and conveying the same to Daniel Robins.

WHEREAS Daniel Robins is the owner of the lands that will be affected by the passing of this by-law, and proposes to subdivide portions of the same into buildings lots; and

WHEREAS a plan of the subdivision about to be laid out by the said Daniel Robins, certified by an Ontario Land Surveyor, has been submitted to the Municipal Councils affected thereby within the meaning of section 7 of *The Planning and Development Act*, and has been approved by said Municipal Councils; and

WHEREAS the proposed subdivision includes a road allowance which will be equal to or greater in area than that to be closed by this By-Law and will be laid out in the immediate vicinity thereof; and

WHEREAS the general public will be served by the new allowance for road equally as well as by the original allowance; and

WHEREAS written notice of the intention to pass this By-Law has been posted up for the period of one month in the most public places in the immediate neighbourhood of the portion of said allowance for road about to be closed and at the various points of access thereto, and published weekly for four consecutive weeks in the *Victoria Harbour Era*, a newspaper published in the Town of Victoria Harbour; and

WHEREAS the Council of the said Township of Tay has heard in person or by Counsel or Solicitor all persons whose land might be prejudicially effected by the passing of this By-Law, and who petitioned to be heard; and

WHEREAS the said Council and the owner of and the persons interested in the said land have mutually settled all differences between them as to injury caused by the closing of said allowance for road;

NOW THEREFORE the Municipal Council of the Township of Tay enacts as follows:

1. That the portion of the original allowance for road between concessions eight and nine in said Township in front of lot fifteen and lot sixteen if any, is hereby closed and stopped up.

2. That the Corporation of the Township of Tay is hereby authorized to convey said portion of the original allowance for road between lots fifteen and sixteen, concessions eight and nine to the said Daniel Robins.

3. That the Corporation of the Township of Tay is transferring this property with the understanding that the plans be registered at once.

Signed:

*Reeve*

(SEAL)

*Clerk*

## THE CORPORATION OF THE TOWNSHIP OF TAY

### BY-LAW No. 811

A BY-LAW for the purpose of stopping up and closing the original allowance for road between concessions eight and nine in front of lot fifteen and sixteen, if any, in the Township of Tay, and conveying the same to Daniel Robins.

WHEREAS Daniel Robins is the owner of the lands that will be effected by the passing of this By-Law, and proposes to subdivide portions of the same into building lots; and

WHEREAS a plan of the subdivision about to be laid out by the said Daniel Robins, certified by an Ontario Land Surveyor has been submitted to the Municipal Councils effected thereby within the meaning of Section 7 of *The Planning and Development Act* and has been approved by the said Municipal Councils; and

WHEREAS the proposed subdivision includes a road allowance which will be equal to or greater in area than that to be closed by this By-Law and will be laid out in the immediate vicinity thereof; and

WHEREAS the general public will be served by the new allowance for road equally as well as by the original allowance; and

WHEREAS written notice of the intention to pass this By-Law has been posted up for the period of one month in the most public places in the immediate neighbourhood of the portion of the said allowance for road about to be closed and at the various points of access thereto, and published weekly for four consecutive weeks in the *Victoria Harbour Era*, a newspaper published in the Town of Victoria Harbour; and

WHEREAS the Council of the said Township of Tay has heard in person or by counsel or solicitor all persons whose land might be prejudicially effected by the passing of this By-Law and who petitioned so to be heard; and

WHEREAS the said Council and the owner of and the persons interested in the said land have mutually settled all differences between them as to injury caused by the closing of said allowance for road;

NOW THEREFORE the Municipal Council of the Township of Tay enacts as follows:

1. That that portion of the original allowance for road between concessions eight and nine in said Township in front of lot fifteen, and lot sixteen, if any, is hereby closed and stopped up.



2. That the Corporation of the Township of Tay is hereby authorized to convey said portion of the original allowance for road between concessions eight and nine to the said Daniel Robins.

3. That the Corporation of the Township of Tay is transferring this property with the understanding that the plans be registered at once.

Signed:

*Reeve*

(SEAL)

*Clerk*

#### BY-LAW No. 842

A BY-LAW to authorize the closing of the Road Allowance between lots Nos. Ten and Eleven in the Eleventh Concession of the Township of Tay, County of Simcoe.

WHEREAS the original allowance for road between lots Ten and Eleven in the Eleventh Concession of the Township of Tay, has never been opened or used as a public highway and no public moneys have been expended thereon.

AND WHEREAS the Township of Tay has consented to the Registration of a certain plan registered in the Registry Office for the County of Simcoe as No. 443 for the Township of Tay which said Plan is laid out on part of the original allowance for road between lots Ten and Eleven in the Eleventh Concession of the Township of Tay aforesaid.

AND WHEREAS the Georgian Bay Lumber Company Limited, who were owners of the said land at the time of the Registration of said plan agreed to lay out and dedicate a certain street on said Plan known as Hazel Street, extending to the Georgian Bay in consideration of the Township of Tay, stopping or closing up said road allowance lying between lots Ten and Eleven aforesaid.

AND WHEREAS no formal By-law was passed by the said Township of Tay, and no conveyance was given to the said Company of the said allowance for road.

THEREFORE be it and it is hereby enacted by the Municipal Council of the Township of Tay as a By-law thereof as follows:

That the original allowance for road between lots Ten and Eleven in the Eleventh Concession of the said Township of Tay is hereby stopped up and closed and that a conveyance thereof under the seal of this Corporation be given pursuant to the agreement hereinbefore referred to, to Georgian Bay Lumber Company Limited, in exchange for Hazel Street and the consideration hereinbefore mentioned.

This By-law shall come into force immediately upon the final passing thereof.

This By-law was read for first, second and third time and duly passed by the Municipal Council of the Township of Tay, at a meeting held on the 15th day of December, 1923.

(SEAL)

*Reeve*

*Clerk*

## BY-LAW NO. 1213

A BY-LAW to provide for the closing and sale of part of Montreal, Quebec and Ottawa Streets, in the Township of Tay, in the County of Simcoe, as laid out on registered Plans 467 and 630.

WHEREAS, the Municipal Council of the Corporation of the Township of Tay, has caused a notice of its intention to close parts of Montreal, Quebec and Ottawa Streets in the Township of Tay to be given in the manner provided for in *The Municipal Act*.

AND WHEREAS, no objection to the closing of the said parts of Montreal, Quebec and Ottawa Streets has been made by or on behalf of any person.

AND WHEREAS, the Council has agreed to sell the lands to Tiny and Tay Agricultural Society the owner of the adjoining lands on the north and south of the portions of each of the said streets so closed for the sum of \$150.00.

NOW THEREFORE the Municipal Council of the Corporation of the Township of Tay enacts and be it enacted as follows:

1. That there shall be stopped up and closed parts of streets in the said Township of Tay as follows:

- (a) That part of Montreal Street in the Township of Tay, as shown on a plan registered in the Registry Office for the Registry Division of the County of Simcoe, as Number 467 lying between the production Northerly of the Easterly boundary of Lot Number Three (3) as shown on Range "C" on the said Plan and the Westerly limit of the Corporation.
- (b) That portion of Quebec Street, in the Township of Tay, as shown on a plan registered in the Registry Office for the Registry Division of the County of Simcoe, as Number 630, lying between the production Southerly of the Easterly boundary of Lot Number Eight (8) as shown on the said Plan and the Westerly limit of the Corporation.
- (c) That part of Ottawa Street in the Township of Tay, as shown on a plan registered in the Registry Office for the Registry Division of the County of Simcoe, as Number 630 lying between the production Southerly of the Easterly limit of Lot Number Seven (7) as shown on the said Plan and the Westerly limit of the Corporation.

2. The lands comprising the portions of the said streets so closed shall be sold to Tiny and Tay Agricultural Society for the sum of \$150.00.

3. The Mayor and Clerk are hereby authorized to execute on behalf of the Corporation a conveyance of the said lands to Tiny and Tay Agricultural Society and to attach thereto the Corporate Seal.

This By-law shall come into force and take effect immediately after the final passing hereof.

By-law read a first, second and third time and finally passed at a meeting of the Municipal Council of the Township of Tay held this 30th day of December, A.D. 1953.

Reeve

(SEAL)

Clerk

An Act respecting  
the Township of Tay

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. SMITH  
Simcoe East

---



*Pauline H. G. Dillon*  
BILL Pr2

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the Township of Dover**

---

MR. MCGUIGAN

---



BILL Pr2

1977

## An Act respecting the Township of Dover

**W**HEREAS The Corporation of the Township of Dover, <sup>Preamble</sup> herein called the Corporation, hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, and *The Drainage Act*, 1975, By-law No. 76-48 of the Corporation, set forth in Schedule A hereto, passed by the council of the Corporation on the 27th day of September, 1976, authorizing emergency repairs done by the Corporation to embankments along the River Thames, McFarlane Relief Drain, Rivard Drain, Toulouse Drain, Myers Drain, Hebert Drain, Boyle Drain, Gowrie Drain, Hind Relief Drain, Hind Outlet Drain, Richmond Cut, Raymond Drain, Fryer Drain and Branch, River Chenal Ecarte, Easterly side of Lake St. Clair, and Southerly side of River Sydenham, in the Township of Dover, in the County of Kent and for levying in one year the sum of \$53,200 the portion of the cost of the drainage work to be contributed by the Corporation, is hereby declared to be valid, in full force and effect and binding upon the Corporation and its respective ratepayers in accordance with the provisions thereof.

<sup>By-law authorizing emergency drain repairs validated 1976, c. 79</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

3. The short title of this Act is *The Township of Dover Act*, <sup>Short title</sup> 1977.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25, 1977*

ASSEMBLY PROROGUED

*December 16, 1977*

*Robert Lewis*

CLERK  
LEGISLATIVE ASSEMBLY



THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
CHICAGO, ILLINOIS

THE UNIVERSITY OF CHICAGO  
CHICAGO, ILLINOIS

THE UNIVERSITY OF CHICAGO  
CHICAGO, ILLINOIS

THE UNIVERSITY OF CHICAGO

CHICAGO, ILLINOIS

CHICAGO, ILLINOIS

CHICAGO, ILLINOIS

CHICAGO, ILLINOIS

CHICAGO, ILLINOIS

**Schedule A****BY-LAW NO. 76-48**

A BY-LAW to PROVIDE for the Emergency Repairs to Embankments along the River Thames, McFarlane Relief Drain, Rivard Drain, Toulouse Drain, Myers Drain, Hebert Drain, Boyle Drain, Gowrie Drain, Hind Relief Drain, Hind Outlet Drain, Richmond Cut, Raymond Drain, Fryer Drain and Branch, River Chenal Ecarte, Easterly side of Lake St. Clair, and Southerly side of River Sydenham in the Township of Dover, in the County of Kent, and for levying in one year the sum of \$53,200.00 the proportion to be contributed by the Municipality for completing the drainage works.

WHEREAS an emergency situation occurred

AND WHEREAS, the Council caused emergency repairs to be conducted on various dykes,

AND WHEREAS, the Council has procured a report made by D. D. McGeorge, Esq., Civil Engineer and the report is as follows:

To the Reeve and Council  
of the Township of Dover.

Gentlemen:

In accordance with instructions, I have made an examination of banks along the McFarlane Relief Drain, the Rivard Drain, the Gowrie Drain, the Toulouse Drain, the Myers Drain, the Boyle drain, the Hind Relief Drain, Richmond Cut, the Hind Outlet Drain, River Thames, the Fryer Drain and number one branch, the Little Bear Creek Drain banks along the southerly side of the Chenal Ecarte, the southerly side of the River Sydenham, and banks along the easterly side of Lake St. Clair which form protection for the low lying lands comprised in a number of pumping schemes (the Bechard Mechanical Works, Big Pointe Pumping Works Numbers 1 and 2, the Bradley Pumping Works, the Cadotte South Pumping Works, the Crawford Pumping Works, the Dewar Pumping Works, the 11th Concession Pumping Works, Front Concession Mechanical Works, Justin Griffore Pumping Works, Letourneau Pumping Works, Myers Pumping Works, the 9th Concession Pumping Works, Raymond Pumping Works, the Rose Pumping Works, the Stephenson Pumping Works, the Terry Pumping Works, the Toulouse Pumping Works, the 12th Concession Pumping Works and the Verhaege Pumping Works) situated along the westerly side of the Township between the River Thames and the River Sydenham. Due to high water levels in Lake St. Clair that has been occurring since 1973 it was necessary to carry out emergency repairs and improvements to these banks to protect said pumping schemes. In many instances where low lying lands were threatened, it was necessary to raise embankments and strengthen same on a temporary basis to prevent widespread flooding. The work carried out and expenditures in connection therewith may be summarized as follows:

1. McFarlane Relief Drain Embankment

Raising the existing embankment, on the northeasterly and northwesterly sides of the drain from a point approximately 1000 feet northwest of the pumping plant of the Stephenson Pumping Works, to a point near the line between Lots 2 and 3, along the northerly



side of the drain from a point approximately 300 feet southeast of the 5th Concession Road to the 4th Concession Road, from the 4th Concession Road to the Jacob Road and on the southerly side of the drain from a point approximately 1500 feet west of the 4th Concession Road to the Jacob Road, providing rip rap protection along the southerly embankment from the northwesterly side of the 4th Concession Road westerly for a length of 150 lineal feet; raising low areas and constructing a new embankment on the northerly side of the Drain from the Jacob Road to a point 400 feet easterly of the Crow Road and along the southerly side of the drain from the easterly limit of the Jacob Road to the westerly side of the Crow Road including installation of flood gates on all pipes entering the drain through the embankments and renewing a pipe and gate on the northerly embankment on Lot 5, Front Concession were completed. \$ 31,014.99

2. Rivard Drain Embankment and Northerly Extension (Rivard - Toulouse)

The embankment on the southerly and southwesterly side of the Rivard Drain was elevated and rebuilt from the 5th Concession Road to the 7th Concession Road and from the southwesterly side of the Jacob Road to the Townline of east and west Dover. A new embankment to be known as the Rivard - Toulouse Embankment was constructed along the northerly side of the Rivard Drain from a point 900' west of the said Townline Road and along the easterly side of Lake St. Clair to the existing dyke at the limit between the northwesterly and southeasterly halves of Lot 1, Concession 8 a length of 3600 lineal feet. Due to subsequent storms on Lake St. Clair it was necessary to reconstruct and repair the latter embankment, which additional cost is included herein. 64,906.18

3. Toulouse Drain and Embankment and Pumping Works

The concrete dam at the pumping plant of the Toulouse Pumping Works was temporarily elevated and the embankments along the northerly side of the Toulouse Drain and the easterly side of Lake St. Clair from said pumping plant to a point approximately 700 lineal feet south of the 9th Concession Road and along the line between the northwesterly and southeasterly

halves of Lots 1 and 2, Concession 8 east of the pumping plant were elevated and reconstructed

12,733.53

4. Gowrie Drain Embankments

The embankments were reconstructed and elevated along the northwesterly side of the Gowrie Drain from the northeasterly side of the Jacob Road to the centre of Lot 7 and along the southeast side of the Gowrie Drain from the northeasterly side of the Jacob Road to a point near the centre line of Lot 10.

11,600.49

5. Myers Drain Embankment

The embankment along the southeasterly side of the drain southwest of the pumping plant of the 9th Concession Pumping Works was rebuilt and elevated

4,591.56

6. Lakefront or Big Pointe Pumping Works No. 2 Embankment

The embankment was elevated and reconstructed along the easterly side of Lake St. Clair from the outlet of the Myers Drain near the northwesterly side of the Road Allowance between Concessions 9 and 10 extending northerly on Lots 2, 3 and Part of 4 to the embankment on the southeasterly side of the Hebert Drain near the westerly angle of Lot 4, Concession 9.

13,431.75

7. Letourneau Pumping Works Embankment

The embankment near the line between Lots 4 and 5, Concession 10 from the Hebert Drain northwesterly for a length of approximately 100 lineal feet was rebuilt to protect the pumping plant that was washed out.

3,013.64

8. Boyle Drain Embankment

The embankment on the northerly side of the Boyle Drain from a point in Lot 7, Concession 10, 1650 feet northwest of the 10th Concession Road westerly to the site of the pump station (Big Pointe Pumping Works Number 1) was elevated.

2,830.81

9. The Hind Relief, Hind Outlet Drain and 12th Concession Pumping Works Embankments

The work comprised reconstructing and elevating the embankments on the southeasterly side of the Hind Relief Drain across Lots 7, 8 and 9 and the embankment near the line between Lots 7 and 8

from the Hind Relief Drain to the 10th Concession Road, the embankment on the northwesterly side of the Hind Relief Drain across Lot 8 and 100' south west to a point 100' northeast of the Winterline Road, along the northeasterly side of the Richmond Cut, along the private cut 100' north of North Street (R. P. 409), along the southwesterly side of Richmond Road, along the southeasterly side of the Hind Outlet Drain from the Richmond Road to the line between Lots 8 and 9, along the line between Lots 8 and 9 and 10 and 11 from the Hind Outlet Drain to the Hind Relief Drain including establishing two pumping plants on Lot 8, Concession 10 near the south corner of Lot 24, Registered Plan 409.

48,749.32

10. Raymond Drain and Pumping Works Embankment

The embankment at the easterly end of the open channel outlet of the Raymond Pump (near the southwesterly side of Park Street) and along the northwesterly side of the Raymond Drain from the pumping plant southwesterly for a length of approximately 170 lineal feet and northwesterly for a length of approximately 180 feet to a point near the southeasterly side of the 13th Concession Road was elevated.

2,975.27

11. Fryer Drain and No. 1 Branch Embankments

Embankments along the southeasterly side of the drains were elevated and reconstructed across the southwesterly 600' of Lot 14, Lot 15 and the southwest half of Lot 16. Embankments were constructed on the southeasterly side of the drain across the northeasterly half of Lot 17 and along the northeasterly side of the centreline of Lot 17 from the No. 1 Branch of Fryer Drain southeasterly for approximately 500 lineal feet including renewal of pipe and gate on Lot 14.

8,850.05

12. Verhaege and Justin Griffore Pumping Works Embankments

The embankment along the line between Lot 14 and 15 from the Fryer Drain northwesterly to an embankment near the line of the Northwest  $\frac{1}{2}$  and Southeast  $\frac{1}{2}$  Lot 15, Concession 15 and northeasterly along said line between halves and northwesterly near the line of Lots 15 and 16 to a point near the southeasterly side of the Chenal Ecarte and along the southeasterly side of the Chenal Ecarte to a point near the centre line of Lot 17 was reconstructed and elevated.

7,323.68



13. Little Bear Creek Drain

The embankment along the northeasterly side of Little Bear Creek Drain in front of the Rose Pumping Station was elevated from points approximately 100' south and 100' north of said pump station. 3,086.68

14. Fraser Pumping Works

The embankment on the southerly side of the River Sydenham and River Chenail Bearte was reconstructed and elevated from a point approximately 1000 feet north of the pumping plant of the Fraser Pumping Works to the northeasterly limit of the westerly 100 acres of Lot 3, Concession 18. 12,534.47

15. Rabideau Pumping Works

The embankment along the southeasterly side of the River Sydenham was reconstructed from approximately 500' east of the pumping plant to the line between Lots 3 and 4, Concession 18. 16,243.56

16. Bradley Pumping Works Embankment

The embankment in front of the pumping plant near the line between Lots 12 and 13, Dover West and on the northeasterly side of the Bechard Cut which was washed out was rebuilt. 685.62

17. Dolson Creek Mechanical Works Embankment

The earthen dykes on the discharge flume of the pumping plant of the Dolson Creek Mechanical Work were badly eroded and were temporarily repaired. 377.88

18. Front Concession Mechanical Works Embankment

The earthen dykes on the discharge flume of the pumping plant of the Front Concession Mechanical Works (on the northerly side of the River Thames) were badly eroded and were temporarily repaired. 936.61

19. Embankment along 4th Concession Road, Dover West - Myers Pumping Works

The embankment along the road bed of the 4th Concession Road of Dover West was elevated from the McFarlane Relief Drain to the line between the East half and West half of Lot 5. 4,583.81

The TOTAL AMOUNT of Expenditures to date is \$ 251,049.95

This amount includes the sum of \$9,200.00 that has been expended for Engineering. The sum of \$241,869.95 was for the most part for construction and a small amount for incidentals.

My estimate of the additional expenditures are as follows:

To allowances for land used for the Drainage Work under  
Section 5 of the Drainage Act.

For Lots 7-12 Concession 1 DW (Bradley Farms Ltd)	1.00
For All ex. pts Lot 5, Concession 1 DW (Bradley Farms Ltd)	1.00
For Part Lot 1, Concession 5 DW (St. Lukes Club Corporation)	1.00
For Lot 2 Concession 1 (M. Jubenville)	1.00
For SW $\frac{1}{2}$ Lot 4, Concession 1 (W. Antaya)	1.00
For Central part SW $\frac{1}{2}$ S of McFarlane Drain Lot 4, Con. 1 (H. Bagnall)	1.00
For NE pt of SW $\frac{1}{2}$ S of McFarlane Drain Lot 4, Con. 1 (M. Jubenville)	1.00
For SW pt NE $\frac{1}{2}$ S of McFarlane Drain and SW pt S. R. Road Lot 4, Con. 1 (J.H. Crow Est.)	1.00
For NE pt NE $\frac{1}{2}$ S of McFarlane Drain Lot 4, Con. 1 (R. Peltier)	1.00
For NE pt N of McFarlane Relief Drain, Lot 4, Con. 1 (L. Jubenville)	1.00
For SW Cor. N. of McFarlane Relief Drain, Lot 5, Con. 1 (L. Jubenville)	1.00
For SW $\frac{1}{2}$ SE of McFarlane Relief Drain ex pts Lot 5, Con. 1 (M & J Caron)	1.00
For SW pt NE $\frac{1}{2}$ S McFarlane Relief Drain Lot 5, Con. 1 (W. Crow)	1.00
For NE pt NE $\frac{1}{2}$ S McFarlane Relief Drain Lot 5, Con. 1 (R. Peltier)	1.00
For NE pt N McFarlane Relief Drain Lot 5, Con. 1 (L. Jubenville)	1.00
For central part N McFarlane Relief Drain Lot 5, Con. 1 (K. Pelkey)	1.00
For SW pt N McFarlane Relief Drain Lot 5, Con. 1 (I. Pelkey)	1.00
For SE part NE $\frac{1}{2}$ SE McFarlane Relief Drain Lot 6, Con. 1 (W. Trudell)	274.00
For SE $\frac{1}{2}$ SW $\frac{1}{2}$ ex River Road Lot 6, Con. 1 (F. Gervais)	263.00
For NW $\frac{1}{2}$ SW $\frac{1}{2}$ Lot 6, Con. 1 (F. Gervais)	263.00
For NW pt NE $\frac{1}{2}$ NW McFarlane Relief Drain Lot 6, Con. 1 (B & M Trudell)	274.00
For SW pt SW $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7 Con. 1 (R. H. Belanger)	146.00
For NE pt SW $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7, Con. 1 (G & M Pelkey)	157.00
For all Lot 6 ex SE pt Lot 5 SW pt SW Crow Rd. Lots 6 + 5 PCB (R. Caron)	100.00
For SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7, Con. 1 (J. J. Abram)	121.00
For NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7, Con. 1 (P. Vollans)	107.00
For NE pt NE $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7, Con. 1 (R. Belanger)	533.00
For SW 2/3 ex lots, Lot 8, Concession 1 (W. Roy)	690.00
For NW pt NE 1/3 NW McFarlane Relief Drain Lot 8, Con. 1 (R. Caron)	205.00
For NW pt NE 1/3 SE McFarlane Relief Drain Lot 8, Con. 1 (W. Roy)	205.00

For NE $\frac{2}{3}$ ex pt Lot 3, Conc. 4 ( A. & Y. Griffore)	1.00
For SE cor NE $\frac{1}{2}$ Lot 3, Con. 4 ( M. & D. Castien)	1.00
For SW cor <sup>S</sup> W $\frac{1}{2}$ Lot 4, Con. 4 ( S. & R. Jubenville)	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 6, Con. 5 ( M. Dulisch)	1.00
For NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 6, Con. 5 ( R. Pinsonneault)	1.00
For NW pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 7, Con. 5 ( C. & E. Couture)	1.00
For NE pt NE $\frac{1}{2}$ NE Given Road Lot 7, Con 5, ( H. St. Pierre)	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 8, Con. 5, ( C. & D. Bechard)	1.00
For NE $\frac{1}{2}$ NW $\frac{1}{2}$ & NW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Road Lot 8, Con. 5 ( P. Dulisch) Est	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 9, Con. 5 ( W. J. & M. Gebal)	1.00
For NW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Road Lot 9, Con 5. ( W. J. & M. Gebal)	1.00
For NW pt of S $\frac{1}{2}$ N $\frac{1}{2}$ W Big Pointe Lot 10, Con. 5 ( W. J. & M. Gebal)	1.00
For NW pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 10 Con. 5 ( V. Sterling)	1.00
For NE pt NW $\frac{1}{2}$ Lot 2, Con. 6 ( G. Blondeel)	1.00
For NW $\frac{1}{2}$ Lot 3, Con. 6 ( G. Blondeel)	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 4. Con 6 ( L. Tetreault)	1.80
For SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 4, Con. 6 ( J. P. & M. Pinsonneault)	1.00
For NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 4, Con. 6 ( G. & K. Mai)	1.00
For NW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 5, Con. 6 ( J. & P. Pinsonneault)	1.00
For pts SW Rivard Drain Lots 1 & 2 Con 7 St. Lukes Club Corp.	
For NW ex NW pt SE $\frac{1}{2}$ Lot 1, Con. 8 ( Edna Hamilton)	1.00
For NW pt SE $\frac{1}{2}$ ex W WCR Lot 1, Con. 8 ( W. M. & S. Royer)	1.00
For S pt ex lots Lot 1, Con. 8 ( R. & M. Lucier)	1.00
For pts 1, 2, 3, Con. 8 ( Big Pointe Club Ltd)	1.00
For SE $\frac{1}{2}$ SW $\frac{1}{2}$ 2, Con. 8, ( F. Charron)	1.00
For NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{4}$ ex pts and pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Toulouse Drain Lot 2, Con 8( ( D. & A. Lucier)	1.00
For pts 1, 2, 3, & 4, Con. 9 ( Big Pointe Club Ltd)	1.00
For S pt N 12 $\frac{1}{2}$ Ac E $\frac{1}{2}$ Lot 7, Con 10 ( D. Hebert)	
For N 59 $\frac{1}{2}$ Ac ex N 12 $\frac{1}{2}$ Ac. E $\frac{1}{2}$ Lot 7, Con. 10 ( Leo Laugon)	1.00
For pts Lots 3, 4, 5, 6, & 7 Con 11 ( Big Pointe Club Ltd)	1.00
For SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 8, Con. 11 (D. & Y. O'Neill)	1.00

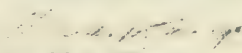


For NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 8, Con. 11 (N. L'Ecuycr)	1.00
For SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 9, Con. 11 (N. L'Ecuycr)	1.00
For NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 9, Con. 11 (R. & N. Cartier)	1.00
For Pt Lots 1, 2, & 4 R. P. 409 (Donald Rakus)	1.00
For NE pt Lot 3, R. P. 409 (J. Bourdeau)	1.00
For pts Lots 1, 2, 3, & 4 R. P. 409 (S & P Vincent)	1.00
For Lots 21, 22, 23, & 24 R. P. 409 (S. Dinsmore)	1.00
For pt ex lots Lot 8, Con. 11 (Bay Lodge Inc.)	1.00
For NE cor NW $\frac{1}{2}$ Lot 8, Con. 11 (L & J Lozon)	1.00
For NW $\frac{1}{2}$ Lot 10, Con. 11 (Howard T. Rex)	1.00
For NW $\frac{1}{2}$ Lot 11, Con. 11 (L, O, D, & M Griffore)	1.00
For SE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 12, Con. 11 (A. Griffore)	1.00
For NW $\frac{1}{2}$ Lot 13, Con. 11 (J & R Demers)	1.00
For pt NW $\frac{1}{2}$ (SW 168' of NE 238' of SE 178.5') Lot 10, Con. 12 (J. M. Moffet Enterprises)	1.00
For pt NW $\frac{1}{2}$ (SW 136.7' of NE 374.17' of SE 245') Lot 10, Con. 12 (J. & M. Van Gerven)	1.00
For pt Lot 10 and p 525 P + i Lot 10, Con. 12 (Kelsey Hayco Can. Ltd)	1.00
For SW $\frac{1}{3}$ SW $\frac{1}{2}$ ex pt Lot 14, Con. 14 (R. Loyst)	1.00
For NE $\frac{2}{3}$ SW $\frac{1}{2}$ Lot 14 Con. 14 (N. L'Ecuycr)	1.00
For NW $\frac{1}{2}$ Lot 15, Con. 14 (B. Lewis)	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 16, Con. 14 (Joanne McGrail)	1.00
For NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 17, Con. 14 (M. Crawford)	1.00
For NW $\frac{1}{2}$ Lot 18, Con. 14 (M. Crawford)	1.00
For pts Lots 11, 12, 13, 14, Con. 15 (J. C. Gibbs and P. Heftler)	1.00
For SE $\frac{1}{2}$ Lot 15, Con. 15 (O. Verhaege)	1.00
For SW $\frac{1}{2}$ Lot 16, Con. 15 (O. Verhaege)	1.00
For NW pt NE $\frac{1}{2}$ Lot 16, Con. 15 (J. Davidson)	1.00
For NE $\frac{1}{2}$ ex NW pt Lot 16, Con. 15 (Est. of J. Griffore)	1.00
For NW pt SW $\frac{1}{2}$ Lot 17, Con. 15 (J. Davidson)	1.00
For NW pt NW pt NE pt NE Little Bear Creek Lot 20 Con. 15 (O. Boswell)	1.00
For all S. Maxwell Creek and E. Bear Creek Lot 20, Con. 16 (Guaranty Trust Co. of Canada Ltd. National Bank of Detroit Trust & Real Estate)	1.00
For NW pt Lot 19, Con. 17 (G & E Courteaux)	1.00
For Lot 19 and SW pt Lot 19 + 1, Con. 18 (G & E Courteaux)	1.00

For Lot 19 and NW pt Lot 2 Con. 18 (J. Courteaux)	1.00
For NE pt Lot 1, SW pt Lot 2 ex pts Con. 18 (G, J, E, & F. Courteaux)	1.00
For NE pt Lot 2 and SW pt Lot 1 Con. 18 (Dover Farms Ltd)	1.00
For all Lot 4, Con. 18 (Libby McNeil & Libby of Can. Ltd)	1.00
For SW pt NW pt SW $\frac{1}{2}$ NW Given Road and SW Rabideau Drain ex pt Lot 5, Con. 18 ( B. W. Hind EST.)	1.00
For SW $\frac{1}{2}$ ex SW pts NW pt NW Given Road and ex pts SE Given Road Lot 5, Con. 18 (G. Rabideau Est)	1.00
ADD FOR	
additional Engineering including survey, report etc.	5,500.00
Letting and superintending	5,000.00
Bylaw, Application to Municipal Board, clerks fees etc.	<u>1,005.05</u>
Making a TOTAL of	<u>\$ 266,000.00</u>

This sum, I assess in the annexed schedule, against the lands and roads liable to assessment under the Drainage Act. The drainage work, herein reported on, shall be maintained at the expense of the lands and roads assessed in said schedule said lands and roads paying on a pro rata basis with the amounts set out in said schedule.

Respectfully submitted,

  
Donald D. McGeorge  
O. L. S., P. Eng.

SCHEDULE OF ASSESSMENT ON LANDS AND ROADS IN THE TOWNSHIP OF DOVER  
FOR EMERGENCY REPAIRS TO EMBANKMENTS ALONG THE  
RIVER THAMES, MCFARLANE RELIEF DRAIN, RIVARD DRAIN, TOULOUSE DRAIN,  
MYERS DRAIN, HERBERT DRAIN, DOYLE DRAIN, GOWRIE DRAIN, HIND RELIEF DRAIN,  
HIND OUTLET DRAIN, RICHMOND CUT, RAYMOND DRAIN, FRYER DRAIN AND BRANCH,  
RIVER CENTRAL ESTATE, EASTERNLY SIDE OF LAKE ST. CLAIR  
AND THE SOUTHERLY SIDE OF THE RIVER SYDENHAM

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
1 DW	SE part NE $\frac{1}{2}$ ex Lots	Lot 1	81	650.00	G. Bagnall
	SW cor SE pt NE $\frac{1}{2}$	Lot 1	4.5	35.00	B & A Bagnall
	Pt SE pt NE $\frac{1}{2}$	Lot 1 *	.47	5.00	S & B Bennett
	Pt SE pt NE $\frac{1}{2}$	Lot 1 *	.60	5.00	L & R. Dubuque
	SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex Lot pts 2, 3, & 5 24 R 251	Lot 1	77	615.00	J, M, B & J Bagnall
	Pt SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ N.R.Pd.	Lot 1 *	1/3	5.00	J & I Reaume
	NE pt NE $\frac{1}{2}$ SE Dolsen Creek ex lot, NE pt NE $\frac{1}{2}$ NW Dolsen Creek	Lot 2	70	560.00	A & V King
	SE cor NE pt	Lot 2 *	$\frac{1}{2}$	5.00	Pearl Jubenville
	SW pt NE $\frac{1}{2}$ S. Dolsen Creek	Lot 2	44.5	360.00	R. Jubenville
	NE $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 2	99	790.00	Mary Jubenville
	SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 2	93.9	790.00	Donald Reaume
	NE pt NE $\frac{1}{2}$ SE Dolsen Creek	Lot 3	45	360.00	H. Duphette
	SW pt NE $\frac{1}{2}$ SE Main Drain	Lot 3	48.99	390.00	J & E Laevens
	NE pt SW $\frac{1}{2}$ & pt SW pt NE $\frac{1}{2}$ SE old Rivard Drain NW of New River Road	Lot 3	55.75	445.00	Marg Laevens
	Pt NE pt SW $\frac{1}{2}$ SE new R. Rd.	Lot 3	8.33	65.00	J & C Laevens
	SW pt SW $\frac{1}{2}$ & NE pt NE $\frac{1}{2}$	Lot 3 Lot 4	82.14	660.00	V & L Duphette
	SW pt NE $\frac{1}{2}$	Lot 4	62.5	500.00	T & E Jubenville
	NE pt SW $\frac{1}{2}$	Lot 4	62.5	500.00	L. Reaume
	SW pt SW $\frac{1}{2}$	Lot 4	62.5	500.00	W & M Reaume
	All ex 24 R 297	Lot 5	179.57	1440.00	Bradley Farms Ltd.
	SW pt (pt 1 24 R 297)	Lot 5 *	1	15.00	R & J Jubenville
	SW pt (pt 2 24 R 297)	Lot 5 *	2.12	30.00	Clarence Jubenville
	SW pt (pt 3 & 4, 24 R 297)	Lot 5 *	3.75	50.00	Irene Smit
	All	Lot 5	31	248.00	Bradley Farms Ltd.
	NW pt Lot 7, All 8, 9, 10, 11 & 12	Lot 6	1229	5000.00	Bradley Farms Ltd.



## SCHEDULE (con't)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
1 DW	All	Lots 6, 7 & 8	240	1920.00	Bradley Farms Ltd.
	NW pt SE $\frac{1}{2}$	Lot 1	63	500.00	V. Jubenville
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW pt	Lot 1	35	280.00	Mary E. Jubenville
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW pt	Lot 1	37.69	300.00	R. Jubenville
	SW $\frac{1}{2}$ NW pt	Lot 1	80	640.00	V. Jubenville
	NW pt NE pt NW Dolsen Cr.	Lot 3	40	320.00	V & L Duphette
3 DW	SW pt	Lot 1	71	570.00	Leo Couture
	NE pt & SW pt	Lot 2	112	895.00	Leo Couture
	All	Lot 3	200	1600.00	Leo Couture
	All	Lots 4 & 5	400	3200.00	Bradley Farms Ltd.
	All	Lot 6	194.39	1555.00	Bradley Farms Ltd.
	NE pt	Lot 1	128.5	1030.00	R. Laprise
	SW pt NE pt	Lot 2	88	705.00	F, E, M & I Pinsonneault
5 DW	Pt	Lot 1	5	50.00	St. Lukes Club Corp.
1	SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 1	20	160.00	V. Jubenville
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ ex pt	Lot 1	16.9	135.00	Belleterre Farms Inc.
	pt NE $\frac{1}{2}$ SW $\frac{1}{2}$ - 1 24 R 636	Lot 1 *	1/3	5.00	V.A, S & L Marchand
	SW pt NE $\frac{1}{2}$	Lot 1	20.7	165.00	Belleterre Farms Inc.
	NE pt NE $\frac{1}{2}$	Lot 1	17	135.00	V & R Jubenville
	SW cor	Lot 2 *	1	10.00	L & A Stevenson
	All ex SW cor	Lot 2	120	960.00	Mary Jubenville
	SW pt SW pt	Lot 3	59.75	480.00	D & L Johnston
	NE 89', SW 540' N.R.Rd.	Lot 3	.25	5.00	R & M Cook
	NE 236', SW 798.4 N.R.Rd.	Lot 3	.80	10.00	H. Goudreau
	NE pt SW pt	Lot 3	32.6	260.00	L. Jubenville
	NE 154' SW 908.5' N.R.Rd.	Lot 3 *	.40	5.00	D & P LaMarsh
	SW $\frac{1}{2}$ NE pt	Lot 3	66	530.00	I & K Pelkey
	NE $\frac{1}{2}$ NE pt	Lot 3	66	530.00	Wm. Antaya
	SW pt SW $\frac{1}{2}$ S. McFarlane Dr.	Lot 4	26.75	215.00	Wm. Antaya
	Ct. Pt SW $\frac{1}{2}$ S. McFarlane Dr.	Lot 4	46	370.00	R. Bagnall

## SCHEDULE (con't)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
1	NE pt SW $\frac{1}{2}$ S. McFarlane Dr.	Lot 4	44	350.00	Mary E. Jubenville
	SW pt NE $\frac{1}{2}$ S. McFarlane Dr. SW pt S. R. Rd.	Lot 4	76.87	615.00	H. Crow Estate
	NE pt NE $\frac{1}{2}$ S. McFarlane Dr.	Lot 4	42	335.00	R. Peltier
	SW pt Pt 1, 24 & 644	Lot 5 *	.50	5.00	L. Reaume
	SW $\frac{1}{2}$ SE McFarlane Dr. ex pts	Lot 5	115.25	920.00	M. E. & J/M. Caron
	SE pt SW $\frac{1}{2}$ SE R. Rd.	Lot 5 *	$\frac{1}{4}$	5.00	Anne Vandersluis
	SE pt SW $\frac{1}{2}$ NW R. Rd.	Lot 5 *	$\frac{1}{4}$	5.00	H. Desa
	SW pt NE $\frac{1}{2}$ S. McFarlane Dr.	Lot 5	49	390.00	H. Crow Estate
	NE pt NE $\frac{1}{2}$ S. McFarlane Dr.	Lot 5	40	320.00	R. Peltier
	NE pt N. McFarlane Dr.	Lot 5	31.8	255.00	L. Jubenville
	Ct. pt N. McFarlane Dr.	Lot 5	26	210.00	K. Pelkey
	SW pt N. McFarlane Dr.	Lot 5	31	250.00	I. Pelkey
	NE pt N. McFarlane Dr.	Lot 4	24	190.00	L. Jubenville
	SW cor N. McFarlane Dr.	Lot 4 *	$\frac{1}{4}$	5.00	L. Jubenville
4	SW pt SW $\frac{1}{2}$ NW Drain	Lot 1	73.62	590.00	J & L Johnston
	SW pt SW $\frac{1}{2}$ SE Drain	Lot 1	6.23	50.00	V. Jubenville
	NE pt SW $\frac{1}{2}$	Lot 1	25.86	205.00	Belleterre Farms Inc.
	SW pt NE $\frac{1}{2}$	Lot 1	60.477	485.00	Belleterre Farms Inc.
	NE pt NE $\frac{1}{2}$	Lot 1	44	350.00	V. Jubenville
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 2	25	200.00	H. Duphette
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$ & NE $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 2	75	600.00	H. Duphette & D.V.A.
	SW $\frac{1}{2}$ NE $\frac{1}{2}$	Lot 2	50	400.00	V & L Duphette
	NE $\frac{1}{2}$ NE $\frac{1}{2}$	Lot 2	50	400.00	F. Gervais
	SW 1/3	Lot 3	66.66	535.00	M. Koekuyt
	NE 2/3 ex pt	Lot 3	133	1065.00	A & Y Griffore
	NE cor NE $\frac{1}{2}$	Lot 3	$\frac{1}{2}$	10.00	M & D Castein
	SE cor SW cor	Lot 3 Lot 4 *	$\frac{1}{4}$	5.00	S & R Jubenville
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ ex pt	Lot 4	49.75	400.00	D. Ouellette
	NE $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 4	50	400.00	F. Ouellette
	NE $\frac{1}{2}$	Lot 4	100	800.00	L & M Jubenville
	SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 5	50	400.00	E & F. Carron

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
4	NE $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 5	50	400.00	G. Ouellette
	NE $\frac{1}{2}$	Lot 5	100	800.00	A St. Pierre
5	NW pt SE $\frac{1}{2}$ N. Stephenson Dr.	Lot 1	54	430.00	Romeo Pinsonneault
	SE pt SE $\frac{1}{2}$ S. Stephenson Dr.	Lot 1	42.173	335.00	R & T Pinsonneault
	SE $\frac{1}{2}$	Lot 2	97.917	784.00	Rosaire Pinsonneault
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	25	200.00	G. Delrue
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	25	200.00	E. Delrue
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	50	400.00	L & M Jubenville
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	L. Jubenville
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	R & T Pinsonneault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 5	50	400.00	A. St. Pierre
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 5	50	400.00	J P Pinsonneault
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 1	50	400.00	V & L Duphette
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 1	50	400.00	M & M Klinard
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 2	50	400.00	M & M Roth
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 2	50	400.00	J & F Roth
	NW $\frac{1}{2}$	Lot 3	100	800.00	J P Pinsonneault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 3	50	400.00	R. Pinsonneault
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4	50	400.00	A & J St. Pierre
	NW $\frac{1}{2}$	Lot 5	100	800.00	A. St. Pierre
1	SE $\frac{1}{2}$ SW $\frac{1}{2}$ ex River Road	Lot 6	48.6	390.00	F. Gervais
	NW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 6	49.7	400.00	F. Gervais
	Pt 1 24 R 210	Lot 6 *	1/3	5.00	R & C De Hondt
	SE pt NE $\frac{1}{2}$ SE McFarlane Dr.	Lot 6	74	590.00	Wm. Trudell
	SW pt SW $\frac{1}{2}$	Lot 7	49.5	395.00	R. Belanger
	NE pt SW $\frac{1}{2}$ SE McFarlane Dr.	Lot 7	37	295.00	G & M Pelkey
	Pt NE pt SW $\frac{1}{2}$ NW McFarlane Dr.	Lot 7	15	120.00	A Trudell
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Dr.	Lot 7	30	240.00	J & J Abram
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Dr.	Lot 7	29.5	235.00	P Vollars
	NE pt NE $\frac{1}{2}$ NW McFarlane Dr.	Lot 7	27	215.00	R H Belanger
	SW 2/3 NW River Rd.	Lot 8	130	1040.00	Belleterre Farm Inc.



CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
1	SE pt NE 1/3 ex pt	Lot 8	7.4	40.00	B & T Charlebois
	NW pt NE 1/3 SE McFarlane Dr.	Lot 8	42	335.00	Belleterre Farms Inc.
	NW pt NE 1/2 NW McFarlane Dr.	Lot 6	24	195.00	B & M Trudell
PCB	Pt 1 RD 139	Pt Lot 15*	3/4	10.00	R E Marlett
	SW pt ex RD 139	Pt Lot 15	29.43	235.00	B & M Trudell
	NE pt Lot 15 & 14	Lot 14 & 15	62	310.00	B & M Trudell
	All	Lot 13 & 12	40	200.00	A. Trudell
	All	Lots 11, 10 & 9	61.5	300.00	H. Belanger
	SW 1/2	Lot 8	28.5	140.00	R. H. Belanger
	NE 1/2	Lot 8	27	100.00	R. Bourassa
4	SW 1/2 SW 1/2	Lot 6	50	400.00	Edna Peltier
	NE 1/2 SW 1/2	Lot 6	50	400.00	Clarissa Peltier
	SW 100' SW 1/2 NE 1/2	Lot 6 *	1/2	10.00	F & R Jubenville
	SW 1/2 NE 1/2 ex pt	Lot 6	49.5	395.00	V. King
	NE 1/2 NE 1/2	Lot 6	50	400.00	F & N Trudell
	SW pt SW 1/2	Lot 7	40	320.00	J. Rapsburg
	NE pt SW 1/2	Lot 7	40	320.00	G & G Kestelyn
	SW pt NE 1/2 & pt NE pt SW 1/2	Lot 7	80	640.00	R & C Bossy
	NE pt & NE 1/2	Lot 7	40	320.00	R & C Pinsonneault
	SW 1/2 SW 1/2 ex pt	Lot 8	49.483	395.00	R & C Pinsonneault
	pt SW 1/2 SW 1/2 ex pt	Lot 8 *	1/2	10.00	D & B Johnston
	pt NE 1/2 SW 1/2	Lot 8 *	1/3	5.00	C Couture
	NE 1/2 SW 1/2 ex pt	Lot 8	49.660	395.00	A. Couture
	SW 1/2 NE 1/2	Lot 8	50	400.00	B. G. Bechard
	NE 1/2 NE 1/2	Lot 8	50	400.00	L. Bourassa
	SW 1/2 SW 1/2	Lot 9	50	400.00	E. King
	NE 1/2 SW 1/2	Lot 9	50	400.00	F & M Pinsonneault
	SW 1/2 NE 1/2	Lot 9	50	400.00	R, C, F & M Pinsonneault
	NE 1/2 NE 1/2	Lot 9	50	400.00	E & R King
	SW 1/2 SW 1/2 ex SE cor	Lot 10	48	380.00	F & J Rapsburg
	NE 1/2 SW 1/2	Lot 10	50	350.00	A Caron

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
4	SW $\frac{1}{2}$	Lot 11	100	650.00	R & C King
	SW pt NE $\frac{1}{2}$ ex pt	Lot 11	71	425.00	R. Pinsonneault
	NE pt NE pt SE pt ex SW cor	Lot 11	13.5	80.00	R & Y Pinsonneault
	NE pt NE pt NW pt	Lot 11	14	85.00	R Pinsonneault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	250.00	R & Y Pinsonneault
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 12	49.5	240.00	J.M. Caron
	NE $\frac{1}{2}$	Lot 10	100	725.00	E J King
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12	50	350.00	R. T. Pinsonneault
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12	49	290.00	A Caron
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	50	400.00	C & M Lozon
5	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 7	25	200.00	C & M Lozon
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 7	23	185.00	A St. Pierre
	W pt SE cor $\frac{1}{2}$	Lot 7 *	$\frac{1}{2}$	10.00	R & B Couture
	E pt SE cor $\frac{1}{2}$	Lot 7	1.526	15.00	L. Couture
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Given Rd.	Lot 7	47	375.00	R. Couture
	SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ SE Given Rd.	Lot 8	41	325.00	J & B Osuch
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex NW $\frac{1}{2}$ Ac NW Given Rd. & SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	74.25	600.00	H & M Mialczarek
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	25	200.00	H. Couture
	SE pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ SE Given Rd.	Lot 9	19.5	155.00	E & E Couture
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	25	200.00	H & M Couture
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SW Given Rd.	Lot 10	63.5	510.00	E & M Couture
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 6	48.74	390.00	C & M Lozon
	Pt 1 RD 145	Lot 6	1.25	15.00	C, R, & R Lozon
	NE pt SE $\frac{1}{2}$ SE Given Rd.	Lot 8	43	345.00	P. Dulisch Estate
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6	50	400.00	M. Dulisch
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 6	49.2	395.00	R. Pinsonneault
	Pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 6	.8	10.00	M & M St. Pierre
	SE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7	10	80.00	C Kendall
	NE pt NE $\frac{1}{2}$ NE Given Rd.	Lot 7	53	425.00	H. St. Pierre
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7	40	320.00	Cie Couture

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
5	NW pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW Given Rd.	Lot 8	9	72.00	L & L Lozon
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	50	400.00	C. Bechard
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ & NW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Given Rd.		57	455.00	P. Dulisch Estate
	NW cor SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW Given Rd.	Lot 9*	$\frac{1}{2}$	10.00	M St. Pierre
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9	49	395.00	W, J, & M Gebal
	NW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Given Rd.	Lot 9	30	240.00	W, J, & M Gebal
	NW pt of S $\frac{1}{2}$ N $\frac{1}{2}$ W Big Pointe Rd	Lot 10	19.5	155.00	W, J, & M Gebal
	NE pt W $\frac{1}{2}$ N $\frac{1}{2}$ ex Rd.	Lot 10	11	90.00	W & M Gebal
	Pt S Rd. W $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$	Lot 10	3	25.00	V. & E. Tetrault
	SW Cor W $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$	Lot 10	1	10.00	E. Lozon
	E $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$	Lot 10	25	200.00	W & M Gebal
	NE pt E $\frac{1}{2}$ S $\frac{1}{2}$	Lot 10	11.75	95.00	W & M Gebal
	S pt W $\frac{1}{2}$ N $\frac{1}{2}$ W Big Pointe Rd.	Lot 10	18.5	145.00	E & E Couture
	SE $\frac{1}{2}$	Lot 11	100	700.00	G & R Pinsonneault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	300.00	R. Pinsonneault
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	300.00	O & M Pinsonneault
6	NW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 1	50	400.00	S & R Derbecker
	SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 1	49.656	395.00	H & J Klinard
	NW 100' SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 1 *	1/3	5.00	Union Gas Ltd.
	SW 273' SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2	.95	10.00	G & A Klein
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 2	65.226	520.00	Belleterre Farms Inc.
	SW 162' NE 476.15 SW pt SE $\frac{1}{2}$	Lot 2 *	.8	10.00	P. Lozon
	Ct. pt. NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2	25	200.00	J & B Osuch
	NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2			
	SW pt SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	20	160.00	S & P Czarnecki
	NE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 3	68.34	545.00	R & T Pinsonneault
	Pts 1 & 2 RD 206	Lot 3	1.90	15.00	M Klinard
	NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex E cor	Lot 3	20.6	165.00	J & R Schuster
	E cor NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex E cor	Lot 3 *	1.1	10.00	J & R Schuster
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	J & K Schertzer



CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
6	NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 4	50	400.00	J. Pinsonneault
	SE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 5	50	400.00	H. & J. Klinard
	NW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 5	50	400.00	R. & E. Charron
	SW $\frac{1}{2}$ Lot 6	100	800.00	M. Gardiner
	NE $\frac{1}{2}$ Lot 6	100	800.00	H. Dutka
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 7	50	400.00	S. & P. Evans
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ Lot 7	50	400.00	M. Menyes
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ Lot 7	50	400.00	S. & P. Evans
	SW $\frac{1}{2}$ Lot 8	100	800.00	R. & A. L ozon
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 8	50	400.00	H. Couture
	SE $\frac{1}{2}$ Lot 9	100	800.00	F. & M. Couture
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 10	50	400.00	O. Couture
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 10	12.5	100.00	V. Sterling
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 10	37.5	300.00	P. & A. Sterling
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 11	50	400.00	N. & M. Letourneau
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 11	50	400.00	J. & W. Gebal
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 12	50	350.00	B. Carron
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt Lot 12	48.757	325.00	O. & J. Delrue
	SE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pts Lot 1	49.46	395.00	Belleterre Farms Inc.
	SE 265.88' NW 529.58' SE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 1*	1	10.00	G. & M. Emrich
	NW 263.71' SE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 1	1	10.00	G. & K. Emrich
	NW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 1	50	400.00	F. Pinsonneault
	SW pt NW $\frac{1}{2}$ Lot 2*	10	80.00	Dover Rod and Gun Club
	NE pt NW $\frac{1}{2}$ Lot 2*	90	720.00	G. Blondeel
	NW $\frac{1}{2}$ Lot 3	100	800.00	G. Blondeel
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 4	50	400.00	L. Tetreault Est.
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 4	25	200.00	J. & M. Pinsonneault
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 4	25	200.00	G. & K. Mai
	NW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 5	50	400.00	J. & M. Pinsonneault

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
6	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	50	400.00	G & K Mai
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7	50	400.00	O. Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	50	400.00	O & D Couture
	SW pt NW $\frac{1}{2}$ SW R pt Rd.	Lot 8	88	705.00	O & B Couture
	NE pt NW $\frac{1}{2}$ NE R pt Rd.	Lot 9	10	80.00	J & M Couture
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	J & M Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	E. Duquette
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	50	400.00	W. Cadotte
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	50	400.00	J. Ouellette
	NW $\frac{1}{2}$	Lot 12	100	700.00	O. Delrue
	NW $\frac{1}{2}$	Lot 13	99.463	600.00	G & E Delrue
7	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	49.32	400.00	A & S Szymanski
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	50	400.00	A Tetreault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	A & B Tetreault
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	E Tetreault
	SE $\frac{1}{2}$	Lot 5	100	800.00	E. Tetreault
	NW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	50	400.00	H. Kestelyn Estate
	SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	48.84	390.00	S. Flodrowski
	SW $\frac{1}{2}$ mSE $\frac{1}{2}$	Lot 7	50	400.00	D. Tetreault Estate
	SE $\frac{1}{2}$	Lot 8	99.419	795.00	H. Couture
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	49.417	395.00	P & D Martin
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex Rd.	Lot 9	23.75	190.00	P & D Martin
	SE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex Rd.	Lot 9	23.203	185.00	R Martin
	SE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	24.423	195.00	R. Martin
	Ct. 1/3 NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	16.66	135.00	B Mallette
	SW 1/3 NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	16.467	135.00	B Mallette
	NE 1/3 NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	16.274	135.00	B Mallette
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	49.424	395.00	J,D,J,& A Martin
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	49.423	395.00	A & A Martin
	SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	48.87	340.00	V Martin
	NW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	350.00	A Martin

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
7	Pts SW Rivard Drain	Lts 1 & 2 126.5	1012.00	St. Lukes Club Corp.
	Pts 1 & 2 24 R 639	Lts 1 & 22 2.89	25.00	G & A Klein
	ALL NE Rivard Drain	Lts 1 & 2 270.405	2165.00	Snake Island Marsh Ltd.
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 3 50	400.00	A Tetreault
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 3 24.54	195.00	A Tetreault
	Pt	Lot 3 * $\frac{1}{2}$	10.00	S. Tetreault
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 3 25	200.00	E & C Tetreault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 50	400.00	A & A Tetreault
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 25	200.00	A & A Tetreault
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 4 24.65	195.00	O & L Tetreault
	Pt NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 * .35	5.00	J & D Nissen
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5 49.507	195.00	D & E Laevens
	Pt 1 24 R 1232	Lot 5 * .5	10.00	D. Laevens
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pts	Lot 5 49.4	395.00	C. Couture
	Pt E $\frac{1}{2}$ N $\frac{1}{2}$	Lot 5 * .6	10.00	H. Tetreault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6 50	400.00	R & E Charron
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6 50	400.00	R. Charron
	NW pt on N $\frac{1}{2}$ W $\frac{1}{2}$	Lot 7 * .35	5.00	L Tetreault Est. & H. Tetreault.
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 7 49.75	395.00	O & C Tetreault
	NE $\frac{1}{2}$	Lot 7 100	800.00	F & G Caron
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8 25	200.00	C Couture
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8 25	200.00	H. Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8 50	400.00	F. Caron
	SW 52' SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9 * $\frac{1}{4}$	5.00	V & E Tetreault
	E pt on W $\frac{1}{2}$ N $\frac{1}{2}$ W.B.pt Rd.	Lot 9 * .50	10.00	M & J Marleau
	SE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ NW W.B.pt Rd.	Lot 9 15	120.00	H. Toulouse
	NE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9 33	265.00	H. Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9 50	400.00	A & M Martin
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ & NW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10 75	600.00	H. Ouellette
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10 50	400.00	V & B Mallette
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11 50	400.00	H & C Louagie



CON.	CON. OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
7	NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 11	50	400.00	W. & B. Hembree
	NW $\frac{1}{2}$ Lot 12	100	700.00	A. & M. St. Pierre
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 15	25	175.00	J. Pinsonneault
	NW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 16	45	315.00	Chapple Farms Ltd.
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 17	45	315.00	Chapple Farms Ltd.
8	NW cor Pt SE $\frac{1}{2}$ Lot 1*	3.5	40.00	E. Hamilton
	NW pt SE $\frac{1}{2}$ ex NW cor Lot 1	2	20.00	W. M. S. Royer
	NE 150' SW 255' SE $\frac{1}{2}$ Lot *	1/3	10.00	P. P. Hamilton
	S pt ex lots S cor Lot 1	76	760.00	R. & M. Lucier
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 2	50	400.00	F. & D. Charron
	SW 100' NE 447.3 SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 2*	1/3	10.00	L. & B. Lozon
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts SE Toulouse Drain Lot 2	22.289	180.00	F. Lucier
	SW 100' NE 255.3 SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 2*	1/3	10.00	G. & D. Rabideau
	NE 100' SW 200' NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot *2	1/3	10.00	G. Lucier
	SW 100' NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 2	1/3	10.00	J. & G. Lucier
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts & pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Toulouse Drain Lot 2	26.312	210.00	D. & A. Lucier
	NE 100' SW 512' SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 3*	.6	10.00	Y. Lucier
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt Lot 3	49.4	390.00	F. Lucier
	Pt E $\frac{1}{2}$ S $\frac{1}{2}$ Lot 3*	1/3	10.00	O. Lauzon
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt Lot 3	50	400.00	E. & P. Tetreault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 4	50	400.00	A. Toman
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt Lot 4	49.5	395.00	G. Koekuyt
	SW 105' NE 444' NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 4*	.26	10.00	L. & J. Tetreault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 5	50	400.00	C. & M. VanHove
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 5	50	400.00	O. Charron
	W cor SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW Toulouse Dr. Lot 6*	1	15.00	C. & R. Myers
	SW 100' SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 6*	1/3	10.00	O. & L. Tetreault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts. Lot 6	48.75	390.00	G. Blondeel

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
8	NE 325' NE $\frac{1}{2}$ SE $\frac{1}{2}$ (RD 105)	Lot 6 * 1	15.00	W. Myers
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 6 49	390.00	W. Burke
	SE $\frac{1}{2}$	Lot 7 100	800.00	A & M De Baere
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex RD 1059	Lot 8 49.312	395.00	G Couture
	Pt 1 24 R 1059	Lot 8 * $\frac{3}{4}$	10.00	R Couture
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot	Lot 8 50	400.00	F & G Caron
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9 50	400.00	H & D Couture
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9 50	400.00	L & M Poissant
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10 50	400.00	M Ouellet
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 10 49.5	395.00	P & D Martin
	NE 150' NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10 * .5	10.00	B. & H. Howard
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex Rd.	Lot 11 48	390.00	H Bechard
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11 50	400.00	O & M Louagie
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 12 * 79.66.	350.00	W. & B. Hembree
	Pt	Lot 12 * $\frac{1}{3}$	10.00	D & I Butler
	Pt	Lot 12 * 2.7	25.00	Caron Grain Ltd.
	SE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 12 17.73	120.00	G. Mayers
	SE 1/3 NW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts	Lot 12 8.83	60.00	N Roberts
	Pt E Cor S10 acrs. N 30 Ac E $\frac{1}{2}$ S $\frac{1}{2}$	Lot 12 2/3	10.00	G & A Lozon
	Pt N cor S 10Ac N 30 Ac E $\frac{1}{2}$ S $\frac{1}{2}$	Lot 12 .50	10.00	N Roberts
	NW 2/3 NW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12 19.797	160.00	H Bagnall
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt SW Boyle Dr.	Lot 13 48.6	200.00	H Bagnall
	NW $\frac{1}{2}$	Lots 1, 2 & 3 290	2320.00	Big Pointe Club Ltd.
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 50	400.00	C Lauzon
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 50	400.00	John Roberts et al
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5 25	200.00	John Roberts et al
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5 75	600.00	O & T Lauzon
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6 50	400.00	O Lozon
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6 50	400.00	L & J Tetreault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7 50	400.00	A Labadie

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
8	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7	50	400.00	P Pinsonneault
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 8	24	195.00	P Pinsonneault
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & pt SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	26	205.00	P Pinsonneault
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	50	400.00	P Pinsonneault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9	50	400.00	H & L Ouellette
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9	50	400.00	L Bourgeois Estate
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	D Sylvain
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	D Sylvain
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SE pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ SE Boyle Drain	Lot 11	60	480.00	L Ouellette
	NW pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt NW Boyle Drain	Lot 11	12.5	100.00	J & B Robinson
	NE 260' SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	2.46	25.00	R & M Drow
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	25	200.00	V Mallette
	NW cor W $\frac{1}{2}$ N $\frac{1}{2}$	Lot 12 *	1	10.00	H Sylvain
	Pt on W $\frac{1}{2}$ N $\frac{1}{2}$	Lot 12 *	.40	5.00	G & T Gagnon
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 12	48	335.00	N & A Benoit
RP 594 Lots		26 & 27 *	3/5	10.00	L & J Brown
	Lots	28 *	1/3	5.00	J & K Butler
	Lots	29 *	1/3	5.00	L & A Ouellette
RP 594 All & 587		Lot 25 *	1.2	10.00	Twp. of Dover
	All	Lot 24 *	1/3	5.00	A & B Daniel
	All	Lot 23 *	.17	5.00	J & V Belanger
	All	Lot 22 *	.2	5.00	L Perreault
	NW pt	Lot 30 *	.21	5.00	W & Y Robb
	pt	Lot 30 *	.22	5.00	L & J Benoit
		Lot 21 *	.18	5.00	L & V Emery
	All	Lot 20 *	.32	5.00	J. Benoit
		Lot 19 *	.15	5.00	N & A Benoit
8	Pt Lot ex pts	Lot 12	16.61	115.00	N & A Benoit
		Lot 18 *	.18	5.00	R & L Dulong
		Lot 17 *	.19	5.00	C & E Emery



## SCHEDULE (con't)

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER	
RP 587	Lot 16 *	.18	5.00	D. Alexander	
	Lot 15 *	.18	5.00	S & C Trahan	
	Lot 14 *	.21	5.00	E Demers	
	Lot 13 *	.17	5.00	R & D Lozon	
RP 587 & 594	Lot 31 & 13 *	1/3	5.00	J Koekuyt	
RP 594	Lot 32 *	1/3	5.00	R & R Myers	
RP 587 SE pt Lot 11 & pt 4 24 R 960	*	$\frac{1}{2}$	5.00	D & A Benoit	
RP 594 Block B & pt Drain	*	$\frac{1}{2}$	5.00	S & J Laprise	
RP 587 Pt Lot 11 & 12	*	$\frac{1}{2}$	5.00	A Demers	
8	SE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12	25	175.00	R Normandin
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15	25	125.00	J L Pinsonneault
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15	50	300.00	R & G DeDecker
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 15	25	150.00	O Lucier
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 15	50	300.00	H Marchand
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16	50	300.00	A & B Faubert
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16	50	300.00	H James
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 17	25	150.00	L Harris
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 17	20	120.00	R Harris
	NW $\frac{1}{2}$ ex pt	Lot 16	99.5	590.00	D Cadotte
	NE 136.25' SW 521.25 NW $\frac{1}{2}$	Lot 16 *	$\frac{1}{2}$	10.00	G Cadotte
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 17	40	250.00	M & G Devolder
9	Pt	Lots 1,2,3 & 4	337	2700.00	Dig Pointe Club Ltd.
	SE $\frac{1}{2}$	Lot 5	100	800.00	O & T Lozon
	SW $\frac{1}{2}$	Lot 6	100	800.00	R & J L'Ecuver
	NE $\frac{1}{2}$	Lot 6	100	800.00	R & H Cartier
	Pt 1 RD 94	S $\frac{1}{2}$ W $\frac{1}{2}$ Lot 7 *	1	10.00	J Grifford
	SE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 7	24	190.00	B Griffore
	NW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 7	24.6	195.00	A & G Bechard
	Pt	Lot 7 *	.4	10.00	R Bechard
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 7	25	200.00	B Griffore
	SE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 7	24	190.00	A Labadie

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
9	Pt on S $\frac{1}{2}$ E $\frac{1}{2}$ S $\frac{1}{2}$	Lot 7 * 1	10.00	A Labadie
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 5 48.5	390.00	L & L Emery
	NE 181.5' SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 8 * 1 $\frac{1}{2}$	15.00	H Toulouse
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	Lot 8 48	390.00	S & M Letourneau
	SW pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	Lot 9 23	185.00	E Brown
	NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	Lot 9 22.66	185.00	L Ouellette
	NE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	Lot 9 47	375.00	L Caron
	NE 80' NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9 * 1/3	10.00	C & P Brady
	Pt SW $\frac{1}{2}$ pt 1 24 R 1023	Lot 9 * .9	15.00	J & J Graham
	SW $\frac{1}{2}$ ex pts	Lot 10 96.58	775.00	E & V Emery
	SE pt SW $\frac{1}{2}$	Lot 10* 2.5	20.00	R C Corporation
	Pt SW cor E $\frac{1}{2}$	Lot 10 2	15.00	D Sylvain
	S $\frac{1}{2}$ E $\frac{1}{2}$ ex Church Lands	Lot 10 45.5	365.00	L & C Roelans
	SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 11 50	400.00	A Bourgeois
	SW 264' NE 3/4 SE $\frac{1}{2}$	Lot 11 7.5	60.00	M & S Gagner
	SE $\frac{1}{2}$ NE 3/4 ex pt	Lot 11 69	550.00	O & E Cartier
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12 25	175.00	H Malette
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12 25	175.00	J & B L'Ecuyer
RP 586		Lot 2 * $\frac{1}{4}$	5.00	S Delanghe
		Lot 3 * 1/6	5.00	C & H Chevalier
		Lot 1 11	65.00	R & R Traham
9	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 14 15	90.00	O & B Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 14 15	90.00	R & L Myers
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15 20	120.00	O & B Couture
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15 25	150.00	O Lucier
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15 50	300.00	E * P Caron
	NW $\frac{1}{2}$	Lot 15 100	700.00	E & P Caron
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16 50	350.00	Bishop Farms Ltd.
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16 50	350.00	Bishop Farms Ltd.
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 27 10	60.00	I & M Capiiau

## SCHEDULE (con't)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
9	SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	75	600.00	M Lozon
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	25	200.00	M Lozon
	NW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	25	200.00	H Griffore
	SE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	25	200.00	H Griffore
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 7	49	395.00	A Griffore
	NE pt NW Boyle Drain	Lot 7 *	1	10.00	D & B Lozon
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	25	200.00	K & S Young
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	25	200.00	Terre-du-Lac Farms
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	Lot 8	52	415.00	Terre-du-Lac Farms
	SW pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	Lot 9	27	215.00	L & V Poissant
	NE pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	Lot 9	27	215.00	W & B. Benoit
	NE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	Lot 9	53	425.00	W Benoit
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	O Emery
	NW $\frac{1}{2}$ NE 3/4 ex pt	Lot 11	75	600.00	O & E Cartier
	NE 124' SW 1497' NW $\frac{1}{2}$ NE 3/4	Lot 11	1/3	10.00	E & D Bouilley
	NW $\frac{1}{2}$ ex pt	Lot 12	99.65	700.00	O & E Cartier
	Part 1 24 R 646	pt Lot 12 *	1/3	10.00	S Stefina et al in trust
10	Lots 2,3,4,5, & pt 6		200	1600.00	Big Pointe Club Ltd.
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	50	400.00	R & J L'Ecuier & DVA
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	50	400.00	O Lozon
	W $\frac{1}{2}$ ex pt N Boyle Dr.	Lot 7	99	790.00	A Griffore
	S pt S $\frac{1}{2}$	Lot 7	37.5	300.00	D Emery
	SE $\frac{1}{2}$	Lot 8	100	800.00	O Emery
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	50	400.00	L & V Poissant
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	23.33	185.00	W Benoit
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	25	200.00	Terre-du-Lac Farms
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	50	400.00	O Cartier Est.
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	25	200.00	T Emery Est.
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	25	200.00	O Cartier Est.
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	50	400.00	D Labadie
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	25	200.00	W Cartier



## SCHEDULE (cont)

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
10	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11 25	200.00	A Brown Estate Est.
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12 25	200.00	A Brown Estate Est.
	NE $\frac{3}{4}$ SE $\frac{1}{2}$ ex pt	Lot 12 40	300.00	V & B Letourneau
	NE cor NW $\frac{1}{2}$ N Boyle Drain	Lot 7 1	10.00	Big Pointe Club Ltd.
	NW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7 7.677	60.00	G & L Tetreault
	Pt N 12 $\frac{1}{2}$ Ac E $\frac{1}{2}$	Lot 7 3	25.00	D Hebert
	N 59 $\frac{1}{2}$ Ac ex N 12 $\frac{1}{2}$ Ac E $\frac{1}{2}$	Lot 7 47	375.00	L Lauzon
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex Rd.	Lot 8 48	380.00	Henry Myers Estate
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8 49	390.00	Hector Myers
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & NW $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9 30.5	245.00	Hector Myers
	Pt on W $\frac{1}{2}$ W $\frac{1}{2}$ N $\frac{1}{2}$	Lot 9 * 1/3	10.00	L & A Myers
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ & SE $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9 37.5	300.00	M L'Ecuuyer
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9 26	210.00	J Cartier
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10 25	200.00	J Cartier
	NE $\frac{3}{4}$ NW $\frac{1}{2}$	Lot 10 75	600.00	R A Cartier
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11 50	400.00	R A Cartier
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11 50	400.00	A Brown
	NW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12 25	175.00	D Brown Estate
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12 25	175.00	V & I Demers
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12 30	200.00	B. Benoit
	NW pt SE $\frac{1}{2}$	Lot 13 20	150.00	S V Letourneau
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 14 20	150.00	H A Myers Est.
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 14 40	275.00	B Emery
	SE $\frac{1}{2}$	Lot 15 100	700.00	J Caron
	NW $\frac{1}{2}$	Lot 13 100	700.00	L Letourneau
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 14 50	350.00	V & I Demers
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 14 50	350.00	Bishop Farms Ltd.
	NW $\frac{1}{2}$ ex pt	Lot 15 90	600.00	A & R Couture
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16 10	50.00	A Couture
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 16 49.66	340.00	A & D Emery
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16 25	175.00	R & L Myers
	SW 122.5' NW 122.5' SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16 * 1/3	10.00	R & L Ouellette

## SCHEDULE (con't)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
11	SE $\frac{1}{2}$	Lots 6 & 7	110	880.00	Big Pointe Club Ltd.
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 8	50	400.00	D & Y O'Neil
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 8	50	400.00	N L'Ecuyer
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	50	400.00	N L'Ecuyer
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	50	400.00	E & R Demers
	SE $\frac{1}{2}$	Lot 10	100	800.00	R & H Cartier
	SW $\frac{3}{4}$ SE $\frac{1}{2}$	Lot 11	75	600.00	L & R Demers
	NE $\frac{1}{4}$ SE $\frac{1}{2}$	Lot 11	25	200.00	C Brown
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	400.00	C Brown
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 12	49.655	390.00	D Brown Estate
	NW 100' SE 233.29' NE 150' of NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12 * $\frac{1}{3}$		10.00	C & M Brown
	SE $\frac{1}{2}$	Lot 13	100	700.00	H Couture
	SE $\frac{1}{2}$	Lot 14	50	350.00	P Pinsonneault
	SE $\frac{1}{2}$	Lot 15	10	50.00	S MacDonald et al
RP 409	Lot 1 N $\frac{1}{2}$ Lot 2 SW pt Lot 4	*	.5	250.00	Donald Rakus
		Lot 7 *	.03	25.00	Ben Jacobs
	All	Lots 5 & 6 *	.67	190.00	Donald Rakus
	NE pt	Lot 4 *	.11	100.00	Donald Rakus
	NE pt	Lot 3 *	.11	100.00	J Bourdeau
	Pt	Lots 1,2,3 & 4 *	1.0	300.00	S & P Vincent
	All	Lots 21,22,23 & 24 *	1.33	200.00	S Dinsmore
11	Pt ex lots	Lot 8	93.847	800.00	Bay Lodge Inc.
RP 409	All	Lots 8 & 9*	.55	126.00	Donald Rakus
		Lot 10*	.22	50.00	R Nowak
		Lot 11*	.22	50.00	L Profota
	SW $\frac{1}{2}$	Lot 12*	.11	25.00	L Profota
	NE $\frac{1}{2}$ lot 12 & SW $\frac{1}{4}$ Lot 13	Lots 12 & 13 *	.16	40.00	A & P Profota
	NE $\frac{3}{4}$	Lot 13 *	.16	40.00	R & J Garvey
		Lot 14 *	.22	50.00	T & S Paczency
	SW $\frac{1}{2}$	Lot 15 *	.11	25.00	D & R Bechard
	NE $\frac{1}{2}$	Lot 15 *	.11	25.00	Y & G Laliberte

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
HP 409		Lot 16 * .22	50.00	H & V Mailloux
		Lot 17 * .22	50.00	W & M McGavin
	SW $\frac{1}{2}$	Lot 18 * .4	25.00	A Irwin
	NE $\frac{1}{2}$	Lot 18 * .11	25.00	A Irwin
		Lots 19 & 20* .44	100.00	R. Vandemergle
11	Pt S of HP 409	Lot 8 * 1.32	300.00	D Rakus
	NE cor NE $\frac{1}{2}$	Lot 8 * 1.00	100.00	L Lozon
	NW $\frac{1}{2}$	Lots 9 & 10 * 200	1600.00	H, R, K Rex
	NW $\frac{1}{2}$	Lot 11 100	800.00	L & D Griffore
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12 50	400.00	A Griffore
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12 50	400.00	A Griffore
	NW $\frac{1}{2}$	Lot 13 100	700.00	J & R Demers
	NW $\frac{1}{2}$ ex pt	Lot 14 65	450.00	Chatelaine Farms Inc.
12	Pt SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11 * .5	10.00	A & C Emery
	SE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts	Lots 11 & 12 96.789	760.00	C & G Grifford
	NW 100' of NE 146' SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12 * $\frac{1}{3}$	10.00	D & S Carroll
	NW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lots 11 & 12 99	790.00	A & Y Griffore
	Pt 1 RD 262	Lot 12 * 1	10.00	R & B Jacques
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 13 49	390.00	G Lozon
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 13 50	400.00	H Burke
	Ct pt SE pt SE Rankin Creek	Lot 14 15	90.00	H Ouellette
	SW pt SE pt SE Rankin Creek	Lot 14 41	275.00	A & J Aerts
	Pt NW $\frac{1}{2}$	Lot 10* .69	125.00	J. M. Moffat Ent.
	All ex lots & W 16 Ac	Lot 10 148.39	1200.00	Leo Pinsonneault
	NW part	Lot 11 * 12.43	200.00	Dover Township
	SW 145' NE 1302.13 SE 300'	Lot 11 * 1.00	20.00	M. & G. Debie
	SW 50' NE 1157.13 SE 148'	Lot 11 * $\frac{1}{5}$	5.00	M. & G. Debie
	SW 50' NE 1107.13 SE 148'	Lot 11 * $\frac{1}{5}$	5.00	M. & G. Debie
	SW 100' NE 1057.13' SE 148'	Lot 11 * $\frac{2}{5}$	10.00	D Baumgardener
	SW 48' NE 957.13' SE 148'	Lot 11 * $\frac{1}{5}$	5.00	C & M Sauter



CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
12	SW 52' NE 909.13' SE 148' Lot 11*	1/5	5.00	R. Bechard
	SW 150' NE 857.13 SE 148' Lot 11*	3/5	15.00	B. Hubbard
	SW 100' NE 707.13' SE 148' Lot 11*	2/5	10.00	R. & J. Wigchert
	SW 100' NE 607.13' SE 148' Lot 11*	2/5	10.00	J. & A. Carbonneau
	SW 250' NE 507.13' SE 148' Lot 11*	1	25.00	W. & T. Olsen
	SW 100' NE 257.13' SE 148' Lot 11*	L 2/5	10.00	R. Boychuk
	SW 66' NE 157.13' SE 148' Lot 11*	.22	10.00	Dover Township
	NW½ ex Park & Lots Lot 11	82.44	660.00	L. Pinsonneault
	NE 91.13 pts of NW pt 11 ex RP 419 Lot 11*	.31	10.00	M. & J. Carroll
	RP 419 SW 297' Lot 1*	1.35	30.00	E. Dunlop Estate
	NE pt 1 SW pt 4 Lots 1 & H	.41	10.00	H. Turner
	Ct pt Lot H*	.45	10.00	J. & P. Potts
	NE pt Lot H*	¼	10.00	M. Urquhart
12	NE cor NW½ NW½ Lot 12*	.95	10.00	F. Hallegards
	NW½ NW½ ex pts Lot 12	48	385.00	L. Pinsonneault
	SE½ NW½ Lot 12	50	400.00	E. Dunlop Estate et al
	SE½ NW½ Lot 13	30	210.00	Ross Dunlop
	NW½ NW½ Lot 13	40	200.00	C. & V. Burke
13	NW pt NE pt SE½ Lot 11	12.607	100.00	H. Allen
	Part 24 R 603 Lot 11*	.06	10.00	Ministry of Environment of Ontario.
	RP 419 Lot K ex 24 R 63 Lot k	7.043	60.00	H. Allen
	Pt Lot J*	.71	20.00	R. & G. Prezocki
	Pt SW 40' NE 193.5 Lot J*	.20	10.00	W. Van Oosten
	Pt SW 80' NE 353.5 Lot J*	.40	20.00	E. & A. Mc Fadden
	Pt SW 80' NE 273.5 Lot J*	.40	20.00	R. Boychuk
	Pt SW 80' Lot J*	.40	20.00	H. & E. Brown
	RP 235 All Lots 1 & 50*	.80	20.00	Wm. Keller
	All Lots 2*	.2	10.00	H. & B. Lozen
	All Lots 49*	.2	10.00	J. & G. Thompson

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
HP 235	Lot 3 & NE $\frac{1}{2}$ Lot 4	Lot 4 * .30	15.00	M Templeton
	Lot 48 & NE $\frac{1}{2}$ Lot 47	* .30	15.00	T McDonald
	Lots 5 & 46 & SW pts	Lots 4 to 47* .60	15.00	B Tewkesbury
		Lots 6 & 7 * .40	15.00	N Miles
	Lot 45 & NE $\frac{1}{2}$	Lot 44 * .30	15.00	E & C Brown
		Lot 8 * 1/5	10.00	W & N Knight
	Lot 43 & SW pt	Lot 44 * .30	15.00	R & L King
	Lots 9, 10, 41 & 42	* 4/5	20.00	L Dunlop
	Lots 11 & 40	* .4	15.00	W & B Hembree
	Lots 12, 13, 38 & 39	* .8	20.00	C & C Burdon
	Lots 14 to 37	* .4	15.00	F & N MacDonald
	Lots 15, 16, 35 & 36	* .8	20.00	C Winter
	Lots 18 & 33	* .44	15.00	J & O Crawford
	Lots 17 & 34	* .4	15.00	E & M Simpson
	Lots 19, 20, 21, 30, 31 & 32	* 1.20	25.00	Richard Walker in Trust
		Lot 28 * .25	10.00	E Bausejour
		Lot 29 * .20	10.00	Mitchells Bay Inn Inc.
	Lots 22 & 23 *	.4	15.00	R Bunnett
		Lot 24 * .2	10.00	L & E Beausejour
		Lot 27 * .2	10.00	L & E Beausejour
		Lots 25 & 26* .4	15.00	R Bunnett in Trust
HP 419	SE 1/3	Lot M * .09	10.00	R Bunnett in Trust
	NW 2/3	Lot M * .18	10.00	R Bunnett in Trust
		Lot G * .35	15.00	Anglican Church
	NW pt	Lot G * .10	10.00	Dover Township
	SW 66'	Lot F * .32	15.00	S McDonald
	Ct pt	Lot F * .37	15.00	D & B Lachance
	NE pt	Lot F * .40	15.00	M Broadbent
	NE pt	Lot D * .42	15.00	A & N Jarczak
13		Lots C, B, & A * .60	20.00	A & R Lozon
	Pt NE HP 419	Lot 12 * .90	25.00	A & R Lozon

## SCHEDULE (con't)

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
13	SE $\frac{1}{2}$ ex pts	Lot 12 93.574	745.00	H & L Allen
	SE pt SE $\frac{1}{2}$	Lot 12 * 3	40.00	E Roberts
	SE pt SE $\frac{1}{2}$	Lot 12 * .35	15.00	L & T Rankin
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 13 25	175.00	M & C Burke
	NW $\frac{1}{2}$ ex pt	Lot 12 96.5	775.00	D Normandin
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 13 49.61	390.00	G DeMeyer
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 14 10	70.00	W Mills
14	All ex Creek & lots	Lot 13 193	1540.00	Rankin Creek Farms
	SW 1/3 SW $\frac{1}{2}$ ex pt	Lot 14 262	225.00	R Loyst
	NE 104' SW 1/3 SW $\frac{1}{2}$	Lot 14 5	40.00	M Van Houten
	NE 2/3 SW $\frac{1}{2}$	Lot 14 66.46	530.00	N L'Ecuuyer
	NE $\frac{1}{2}$	Lot 14 99.719	800.00	W Mills
	SE $\frac{1}{2}$	Lot 15 45	315.00	N & M Dewar
	NW $\frac{1}{2}$	Lot 15 96	785.00	B Lewis
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ & NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16 90	280.00	W Lewis
	SE $\frac{1}{2}$	Lot 17 50	350.00	L Lewis Estate
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 18 10	70.00	A & M Crawford
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16 40	280.00	J McGrail
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16 50	350.00	W & J McGrail
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 17 49.075	350.00	W & J McGrail
	Pt 1 24 R 817	Lot 17 * .93	10.00	F & D Debruyne
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 17 50	350.00	M Crawford
	NW $\frac{1}{2}$	Lot 18 90	630.00	M Crawford
	NW pt NW $\frac{1}{2}$ NW McLeod Creek ex SE pt	Lot 19 50	300.00	M Crawford
	Ct pt SE pt NW $\frac{1}{2}$ SE Bear Ck.	Lot 19 2.303	15.00	M Crawford
	NW pt SE pt NW $\frac{1}{2}$ SE Bear Ck.	Lot 19 8	55.00	J & V Crowe
	NE pt NW $\frac{1}{2}$ NE Little Bear Ck.	Lot 20 10	70.00	C & M Crow
BDW		Lot 36 70	490.00	D & K Rose
BDE		Lot 36 75	530.00	J Gordon



CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
14	NW $\frac{1}{2}$ NW $\frac{1}{2}$ ex Rd.	Lot 24	20	137.50	E Mensel
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 24	20	137.50	R Hunter
15	SE $\frac{1}{2}$	Lot 15	100	800.00	O Verhaege
	SW $\frac{1}{2}$	Lot 16	100	800.00	O Verhaege
	NE $\frac{1}{2}$ ex NW pt	Lot 16	85	680.00	J Griffore Estate
	NW pt NE $\frac{1}{2}$	Lot 16	15	120.00	J Davidson
	SW pt ex NW pt	Lot 17	83	665.00	D Griffore
	NW pt SW $\frac{1}{2}$	Lot 17	17	135.00	J Davidson
	NE $\frac{1}{2}$	Lot 17	100	800.00	E Griffore
	SW $\frac{1}{2}$	Lot 18	100	800.00	D Dunlop
	NE $\frac{1}{2}$ Lot 18	Lots 18 & 19	300	2400.00	M Crawford
	NW 216' NE 130' SE $\frac{1}{2}$ S River Ck Lot 20*		.4	10.00	J & J Martin
	NE pt ex pts NE Little Bear Ck Lot 20		100	800.00	C. Roe Estate
	Pt NW pt NE pt NE Lit. Bear Ck Lot 20		16.5	130.00	C Handsor & W Needham
	NW pt NW pt NE pt NE L. Bear Ck Lot 20		16.5	130.00	O Boswell
	SE pt NW pt NE pt Little Bear Creek	Lot 20	3	25.00	K & D Rose
BDW	All	Lot 37	100	700.00	A, H, M Rose
	SE $\frac{1}{2}$ ex pt	Lot 38	45	315.00	A, H, B Rose
	NE pt SE $\frac{1}{2}$	Lot 38	5	35.00	B & R Rose
	NW $\frac{1}{2}$	Lot 38	50	350.00	K & D Rose
BDE	NW pt	Lot 38	7.79	55.00	L & G Handsor
	HW 165' SW 526' NW pt	Lot 38	2	15.00	V Rose
	SE pt	Lot 38	90	625.00	K & D Rose
		Lot 37	100	700.00	D Gordon
15	SE $\frac{1}{2}$	Lot 24	25	175.00	J & M McGrail
	SW pt ex SE pt SW Little Bear Creek	Lot 20	54	430.00	M Crawford
	SE pt SW pt SW Little Bear Creek	Lot 20	5	40.00	R Crawford
BDW	NW $\frac{1}{2}$	Lot 39	50	400.00	O Boswell
	SE $\frac{1}{2}$	Lot 39	50	400.00	C Handsor

## SCHEDULE (cont'd)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
BDE	SE pt	Lot 39	20.318	140.00	L & G Handsor
	NW pt	Lot 39	81	565.00	F & M Van Boven
15	SW pt NW $\frac{1}{2}$ SW Maxwell Creek	Lot 24	9	65.00	F Van Boven
	NW $\frac{1}{2}$ ex pt	Lot 24	40	250.00	R & L Van Damme
16	Pts	Lots 16 & 17	34.5	275.00	J Davidson
	NE pt	Lot 17	25	200.00	L & M Dunlop
	SW $\frac{1}{2}$	Lot 18	21	168.00	L Dunlop
	SW pt NE $\frac{1}{2}$	Lot 18	1.5	15.00	M Crawford
BDW	All ex NW pt NE $\frac{1}{2}$	Lot 40	82.5	660.00	G. & M. Vandevelde
	NW pt NE $\frac{1}{2}$	Lot 40	17.5	140.00	National Bank of Detroit
BOE	Pt	Lot 41 *	1.8	15.00	N Dolsen
	Pt	Lot 41 *	2.076	20.00	R Haviland
	All	Lot 40	30	210.00	D, M, J, Gordon
17	NW pt	Lot 19	46	370.00	G & E Courteaux
18	Lot 29 & SW pt	Lot 1	55	440.00	G & E Courteaux
	NE pt 1, SW pt 2 ex pts		90	720.00	G & E Courteaux
	Pt	Lots 1 & 2 *	.55	10.00	R & D Courteaux
	NE pt Lot 2 & SW pt Lot 3	Lots 2 & 3	184	1470.00	Dover Farms Ltd.
	NE pt	Lot 3	71	570.00	E & B Rabideau
	All	Lot 4 *	174	1400.00	Libby, McNeil & Libby
	SW pt NW pt SW $\frac{1}{2}$ NW Given Road & SW Rabideau Dr. ex pt	Lot 5	5.75	45.00	D. Snobelen et al
	Pt NE 88' SW 769' SE 100' of SW pt NW pt SW $\frac{1}{2}$ NW Given Rd.	Lot 5 *	.25	10.00	G & H Fransson
	SW $\frac{1}{2}$ ex SW pts NW pt NW Given Rd ex pts SE Rd.	Lot 5	91.75	735.00	G Rabideau Estate
	SW 132' NE 1232' NW 180' SE Given Road	Lot 5 *	.55	10.00	D Rabideau
	SW 70' NE 1100' NW 180' SE Given Rd.	Lot 5 *	.30	10.00	D Rabideau
	SW 61' NE 1030' NW 180' SE Given Rd	Lot 5 *	.27	10.00	A & D Rabideau

## SCHEDULE (cont'd)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
18	SW 66' NE 964' NW 180' SE Given Road	Lot 5*	.27	10.00	Annie Rabideau
	NE½ ex pts	Lot 5	96	770.00	G. Rabideau
	SW 154' NE 484' NE½	Lot 5*	6	50.00	G.H. Frye Holdings Ltd.
	NW 330' NE 269' NE½	Lot 5*	2	20.00	D. Carroll
	River Road (Along North Side Thames River)	*	40-	2815.00	Twp. of Dover
	3rd Concession Road	*	18	1335.00	Twp. of Dover
	4th Concession Road	*	36	2680.00	Twp. of Dover
	5th Concession Road	*	36	2810.00	Twp. of Dover
	6th Concession Road	*	36	2680.00	Twp. of Dover
	7th Concession Road	*	36	2680.00	Twp. of Dover
	9th Concession Road	*	24	1800.00	Twp. of Dover
	10th Concession Road	*	21	1560.00	Twp. of Dover
	11th Concession Road	*	15	1110.00	Twp. of Dover
	12th Concession Road	*	21	1560.00	Twp. of Dover
	14th Concession Road	*	6	725.00	Twp. of Dover
	15th Concession Road	*	16	1450.00	Twp. of Dover
	16th Concession Road	*	13	1227.00	Twp. of Dover
	18th Concession Road	*	15	1285.00	Twp. of Dover
	River Rd. (Along North Side Sydenham River)	*	12	900.00	Twp. of Dover
	Townline (E. & W. Dover)	*	20	1670.00	Twp. of Dover
	Jacob Road	*	27	2015.00	Twp. of Dover
	Given Road Con. 5	*	16	1200.00	Twp. of Dover
	Big Pointe Rd.	*	21	1560.00	Twp. of Dover
	Mills Road	*	3	215.00	Twp. of Dover
	Crow Road	*	1	85.00	Twp. of Dover
	Ouellette Road	*	3	215.00	Twp. of Dover
	Bearline Road	*	6	450.00	Twp. of Dover
	Baldoon Road	*	7	565.00	Twp. of Dover
	Kellar Street	*	.3	45.00	Twp. of Dover
	McDonald Street	*	.3	45.00	Twp. of Dover



CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
	Allen Road	*	.3	45.00	Township of Dover
	Taylor Street	*	2	155.00	Township of Dover
	Park Street	*	1	85.00	Township of Dover
	4th Concession Road (County Portion)		4.5	330.00	County of Kent
	River Road (County Portion)	*	2	155.00	County of Kent
	8th Concession Road	*	36	2680.00	County of Kent
	11th Concession Road	*	7	520.00	County of Kent
	13th Concession Road	*	4	745.00	County of Kent
	Jacob Road	*	4	300.00	County of Kent
	Winterline Road	*	40	<u>2806.00</u>	County of Kent

TOTAL ASSESSMENT \$ 266,000.00

\* denotes non-agricultural

RECAPITULATION

Total on Lands for Benefit	\$ 224,587.00
Total on Township Roads	33,875.00
Total on County Roads	<u>7,538.00</u>
TOTAL ASSESSMENT	\$ <u>266,000.00</u>

May 29, 1976  
CHATHAM, Ontario

Donald D. McGeorge  
O. L. S., P. Eng.

AND WHEREAS, the Council is of opinion that the drainage of the area described is desirable.

Therefore the Council of the Township of Dover, pursuant to the Drainage Act, 1962 - 63, enacts as follows:

1st. The report is hereby adopted, and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.

2nd. The Corporation of the Township of Dover may levy in one year the sum of Fifty Three Thousand, Two Hundred (\$53,200.00) -- xx/100 Dollars being the funds necessary for the drainage works not otherwise provided for (or being the municipality's portion of the funds necessary for the drainage works); provided that such sum shall be reduced by the amount of grants and commuted payments with respect to lands and roads assessed.

3rd. For paying the sum of \$46,425.00, the amount charged against such lands and roads for benefit, apart from lands and roads belonging to or controlled by the municipality, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned parcels of land and parts of parcels and roads in one year after the passing of this by-law, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 3 of section 64 of The Drainage Act, 1962 - 63, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed.

Con. Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grant	Net Assessment
I DW SE pt. NE $\frac{1}{2}$ ex. Lots		I-001			
1	81	G. Bagnall	650.00	520.00	130.00
SW cor. SE pt NE $\frac{1}{2}$		I-002			
1	4.5	B. & A. Bagnall	35.00	28.00	7.00
Pt. SE Pt. NE $\frac{1}{2}$	1	I-003 *			
	.47	S. & B. Bennett	5.00	4.00	1.00
Pt. SE Pt. NE $\frac{1}{2}$	1	I-004 *			
	.60	L. & R. Dubuque	5.00	4.00	1.00
SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex. lot		I-005			
pts. 2,3,& 5 24 R					
851	1	J.M.B. & J. Bagnall	615.00	492.00	123.00
Pt. SE pt. SW $\frac{1}{2}$ SE $\frac{1}{2}$ N.R.		I-00501 *			
Rd.	1	J. & I. Reaume	5.00	4.00	1.00
NE pt NE $\frac{1}{2}$ SE Dolsen Creek ex		I-006			
lot, NE pt NE $\frac{1}{2}$ NW Dolsen					
Creek	2	A. & V. King	560.00	448.00	112.00
SE cor NE pt.	2	I-00601 *			
	$\frac{1}{2}$	P. Jubenville	5.00	4.00	1.00
SW pt. NE $\frac{1}{2}$ S. Dolsen		I-007			
Creek	2	R. Jubenville	360.00	288.00	72.00
NE $\frac{1}{2}$ SW $\frac{1}{2}$	2	I-008			
	99	M. Jubenville	790.00	632.00	158.00
SW $\frac{1}{2}$ SW $\frac{1}{2}$	2	I-009			
	98.9	D. Reaume	790.00	632.00	158.00

Con. Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg.Grt.	Net Assessment
1 DW NE pt NE $\frac{1}{2}$ SE Dolsen Creek 3 45		1-010 H. Duphotte	360.00	288.00	72.00
SW pt NE $\frac{1}{2}$ SE Main Drain 3 48.99		1-011 J. & E. Laevens	390.00	312.00	78.00
NE pt SW $\frac{1}{2}$ & pt SW pt NE $\frac{1}{2}$ SE old Rivard Drain NW of New River Road 3 55.79		1-012 M. Laevens	445.00	356.00	89.00
Pt NE pt SW $\frac{1}{2}$ SE new R. Road 3 8.33		1-01201 J. & C. Laevens	65.00	52.00	13.00
SW pt SW $\frac{1}{2}$ & NE pt NE $\frac{1}{2}$ 3 & 4 82.14		1-013 V. & L. Duphette	660.00	528.00	132.00
SW pt NE $\frac{1}{2}$ 4 62.5		1-014 T. & E. Jubenville	500.00	400.00	100.00
NE pt SW $\frac{1}{2}$ 4 62.5		5-015 L. Reaume	500.00	400.00	100.00
SW pt SW $\frac{1}{2}$ 4 62.5		5-016 W. & M. Reaume	500.00	400.00	100.00
All ex 24 R 297 5 179.57		5-017 Bradley Farms Ltd.	1,440.00	1,152.00	288.00
SW pt (pt 1 24 R 297) 5 1		5-018 * R. & J. Jubenville	15.00	12.00	3.00
SW pt (pt. 2 24 R 297) 5 2.12		5-01801 * C. Jubenville	30.00	24.00	6.00
SW pt (pt. 3 & 4, 24 R 297) 5 3.75		5-019 * Irene Smit	50.00	40.00	10.00
All 6 31		5-020 Bradley Farms Ltd.	248.00	198.40	49.60
NW pt Lot 7, All 8, 9, 10, 11 & 12 1229		1-022 Bradley Farms Ltd.	5,000.00	4,000.00	1,000.00
All Lots 6, 7 & 8 240		1-023 Bradley Farms Ltd.	1,920.00	1,536.00	384.00
NW pt SE $\frac{1}{2}$ 1 63		1-036 V. Jubenville	500.00	400.00	100.00
NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW pt 1 35		1-037 Mary E. Jubenville	280.00	224.00	56.00
SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW pt 1 37.69		1-038 Robert Jubenville	300.00	240.00	60.00
SW $\frac{1}{2}$ NW pt. 1 80		1-039 Vernon Jubenville	640.00	512.00	128.00
NW pt NE pt NW Dolsen Cr. 3 40		1-040 V. & L. Duphette	320.00	256.00	64.00
3 DW SW pt. 1 71		1-041 Leo Couture	570.00	456.00	114.00
NE pt & SW pt 2 112		1-042 Leo Couture	895.00	716.00	179.00
All 3 200		1-043 Leo Couture	1,600.00	1,280.00	320.00
All Lots 4 & 5 400		1-044 Bradley Farms	3,200.00	2,560.00	640.00
All 6 194.39		1-045 Bradley Farms	1,555.00	1,244.00	311.00
NE pt 1 128.5		1-046 Roger Laprise	1,030.00	824.00	206.00



Con. Lot or Pt. Lot		Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
3 DW SW pt NE pt	2	88	I-047 F.E. & M.I. Pinsonneault	705.00	564.00	141.00
5 DW Pt.	1	5	I-060 St. Lukes Club	50.00	40.00	10.00
1 SW $\frac{1}{2}$ SW $\frac{1}{2}$	1	20	I-067 V. Jubenville	160.00	128.00	32.00
NE $\frac{1}{2}$ SW $\frac{1}{2}$ ex. pt.	1	16.9	I-068 Belleterre Farms	135.00	108.00	27.00
Pt NE $\frac{1}{2}$ SW $\frac{1}{2}$ - 1 24 R 636	1	1/3	I-06801 * V.A. & S.L. Marchand	5.00	4.00	1.00
SW pt NE $\frac{1}{2}$	1	20.7	I-069 Belleterre Farms Inc.	165.00	132.00	33.00
NE pt NE $\frac{1}{2}$	1	17	I-070 V. & R. Jubenville	135.00	108.00	27.00
SW cor.	2	1	I-071 * L. & A. Stevenson	10.00	8.00	2.00
All ex SW cor.	2	120	I-072 Mary Jubenville	960.00	768.00	192.00
SW pt SW pt.	3	59.75	I-073 D. & L. Johnston	480.00	384.00	96.00
NE 89', SW 540' N.R. Road	3	.25	I-074 R. & M. Cook	5.00	4.00	1.00
NE 236' SW 798.4 N. R. Road	3	.80	I-075 Harry Goudreau	10.00	8.00	2.00
NE pt SW pt.	3	32.6	I-076 L. Jubenville	260.00	208.00	52.00
NE 154' SW 908.5' N. R. Road	3	.40	I-077 D. & P. LaMarsh	5.00	4.00	1.00
SW $\frac{1}{2}$ NE pt.	3	66	I-078 I. & K. Pelkey	530.00	424.00	106.00
NE $\frac{1}{2}$ NE pt.	3	66	I-079 Wm. Antaya	530.00	424.00	106.00
SW pt SW $\frac{1}{2}$ S. McFarlane Drain	4	26.75	I-080 Wm. Antaya	215.00	172.00	43.00
Ct. Pt. SW $\frac{1}{2}$ S. McFarlane Dr.	4	46	I-081 Rose Bagnall	370.00	296.00	74.00
NE pt SW $\frac{1}{2}$ S. McFarlane Dr.	4	44	I-082 Mary E. Jubenville	350.00	280.00	70.00
SW pt NE $\frac{1}{2}$ S. McFarlane Dr. SW Pt. S..	4	76.87	I-083 H. Crow Estate	615.00	492.00	123.00
NE pt NE $\frac{1}{2}$ S. McFarlane Dr.	4	42	I-084 R. Peltier	335.00	268.00	67.00
SW pt Pt. 1, 24 R 644	5	.50	I-08401 * Loretta Reaume	5.00	4.00	1.00
SW $\frac{1}{2}$ SE McFarlane Dr. ex. Pts.	5	115.25	I-085 M.E. & J.M. Caron	920.00	736.00	184.00
SE pt SW $\frac{1}{2}$ SE River Road	5	$\frac{1}{4}$	I-086 * Anne Vandersluis	5.00	4.00	1.00
SE pt SW $\frac{1}{2}$ NW River Road	5	$\frac{1}{4}$	I-087 * Hernani Desa	5.00	4.00	1.00
SW pt NE $\frac{1}{2}$ S. McFarlane Dr.	5	49	I-088 H. Crow Estate	390.00	312.00	78.00

Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leq.Grt.	Net Assessment
1	NE pt NE $\frac{1}{2}$ S. McFarlane Dr.	5 40	I-089 Robert Peltier	320.00	256.00	64.00
	NE pt N. McFarlane Drain	5 31.8	I-090 Leonard Jubenville	255.00	204.00	51.00
	Ct. pt N. McFarlane Dr.	5 26	I-091 Kenneth Pelkey	210.00	168.00	42.00
	SW pt N. McFarlane Dr.	5 31	I-092 Ivan Pelkey	250.00	200.00	50.00
	NE pt N. McFarlane Dr.	4 24	I-093 Leonard Jubenville	190.00	152.00	38.00
	SW cor N. McFarlane Dr.	4 $\frac{1}{4}$	I-094 * Leonard Jubenville	5.00	4.00	1.00
4	SW pt SW $\frac{1}{2}$ NW Drain	1 73.62	I-101 J. & L. Johnston	590.00	472.00	118.00
	SW pt SW $\frac{1}{2}$ SE Drain	1 6.23	I-102 V. Jubenville	50.00	40.00	10.00
	NE pt SW $\frac{1}{2}$	1 25.86	I-103 Belletierre Farms	205.00	164.00	41.00
	SW pt SE $\frac{1}{2}$	1 60.477	I-104 Belletierre Farms	485.00	388.00	97.00
	NE pt NE $\frac{1}{2}$	1 44	I-105 Vernon Jubenville	350.00	280.00	70.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$	2 25	I-106 Hector Duphette	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$ & NE $\frac{1}{2}$ SW $\frac{1}{2}$	2 75	I-107 Hector Duphette & DVA	600.00	480.00	120.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$	2 50	I-108 V. & L. Duphette	400.00	320.00	80.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$	2 50	I-109 Francis Gervais	400.00	320.00	80.00
	SW 1/3	3 66.66	I-110 Mary Koekuyt	535.00	428.00	107.00
	NE 2/3 ex pt.	3 133	I-111 A. & Y. Griffore	1,065.00	852.00	213.00
	NE cor NE $\frac{1}{2}$	3 $\frac{1}{2}$	I-112 M. & D. Castein	10.00	8.00	2.00
	SE cor SW cor	3 & 4 $\frac{1}{4}$	I-113 * S. & R. Jubenville	5.00	4.00	1.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ ex.pt.	4 49.75	I-114 D. Ouellette	400.00	320.00	80.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$	4 50	I-115 F. Ouellette	400.00	320.00	80.00
	NE $\frac{1}{2}$	4 100	I-116 L. & M. Jubenville	800.00	640.00	160.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$	5 50	I-117 E. & F.B. Carron	400.00	320.00	80.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$	5 50	I-118 G. Ouellette	400.00	320.00	80.00
	NE $\frac{1}{2}$	5 100	I-119 A. St. Pierre	800.00	640.00	160.00
5	NW pt SE $\frac{1}{2}$ N Stephenson Dr.	1 54	I-126 Romeo Pinsonneault	430.00	344.00	86.00

Con.	Lot or Pt. Lot		Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leq. Grt.	Net Assessment
5	SE pt SE $\frac{1}{2}$ S. Stephenson Dr.	1	42.173	1-127 R. & T. Pinsonneault	335.00	268.00	67.00
	SE $\frac{1}{2}$	2	97.917	1-128 R. Pinsonneault	784.00	627.20	156.80
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	3	25	1-129 G. Delrue	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	3	25	1-130 E. Delrue	200.00	160.00	40.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	3	50	1-131 L. & M. Jubenville	400.00	320.00	80.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	4	50	1-132 L. Jubenville	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	4	50	1-133 R. & T. Pinsonneault	400.00	320.00	80.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	5	50	1-134 A. St. Pierre	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	5	50	1-135 J. P. Pinsonneault	400.00	320.00	80.00
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	1	50	1-136 V. & L. Duphette	400.00	320.00	80.00
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	1	50	1-137 M. & M. Klinard	400.00	320.00	80.00
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	2	50	1-138 M. & M. Roth	400.00	320.00	80.00
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	2	50	1-139 J. & F. Roth	400.00	320.00	80.00
	NW $\frac{1}{2}$	3	100	1-140 J. P. Pinsonneault	800.00	640.00	160.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	3	50	1-141 R. Pinsonneault	400.00	320.00	80.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	4	50	1-142 A. & J. St. Pierre	400.00	320.00	80.00
	NW $\frac{1}{2}$	5	100	1-143 A. St. Pierre	800.00	640.00	160.00
	SE $\frac{1}{2}$ SW $\frac{1}{2}$ ex. River Road	6	48.6	2-001 Frank Gervais	390.00	312.00	78.00
	NW $\frac{1}{2}$ SW $\frac{1}{2}$	6	49.7	2-00101 F. Gervais	400.00	320.00	80.00
	Pt. 1 24R210	6	1/3	2-00102 * R. & C DeHondt	5.00	4.00	1.00
	SE pt NE $\frac{1}{2}$ SE McFarlane Dr.	6	74	2-002 Wm. Trudell	590.00	472.00	118.00
	SW pt SW $\frac{1}{2}$	7	49.5	2-003 R. Belanger	395.00	316.00	79.00
	NE pt SW $\frac{1}{2}$ SE McFarlane Dr.	7	37	2-004 G. & M. Polkey	295.00	236.00	59.00
	Pt NE pt SW $\frac{1}{2}$ NW McFarlane Dr.	7	15	2-005 A. Trudell	120.00	96.00	24.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Dr.	7	30	2-006 J. & J. Abram	240.00	192.00	48.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Dr.	7	29.5	2-007 P. Vollans	235.00	188.00	47.00
	NE pt NE $\frac{1}{2}$ NW McFarlane Dr.	7	27	2-008 R. H. Belanger	215.00	172.00	43.00



Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leq. Grt.	Net Assessment
1	SW 2/3 NW R.Rd.	8	130	2-011 Belletierre Farm	1,040.00	832.00	208.00
	SE pt NE 1/3 ex pt.	8	7.4	2-013 B. & T. Charlebois	40.00	32.00	8.00
	NW pt NE 1/3 SE McFarlane Dr.	8	42	2-014 Belletierre Farms	335.00	268.00	67.00
	NW pt NE 1/2 NW McFarlane Dr.	6	24	2-056 B. & M. Trudell	195.00	156.00	39.00
PCB	Pt. 1 RD 139	15	3/4	2-057 * R. E. Marlett	10.00	8.00	2.00
	SW pt ex RD 139	15	29.43	2-058 B. & M. Trudell	235.00	188.00	47.00
	NE pt Lot 15 & 14		62	2-059 B. & M. Trudell	310.00	248.00	62.00
	All 12 & 13		40	2-060 Alphonse Trudell	200.00	160.00	40.00
	All 11, 10 & 9		61.5	2-061 H. Belanger	300.00	240.00	60.00
	SW 1/2	8	28.5	2-062 R. H. Belanger	140.00	112.00	28.00
	NE 1/2	8	27	2-063 R. Bourassa	100.00	80.00	20.00
4	SW 1/2 SW 1/2	5	50	2-300 E. Petier	400.00	320.00	80.00
	NE 1/2 SW 1/2	6	50	2-301 C. Peltier	400.00	320.00	80.00
	SW 100' SW 1/2 NE 1/2	6	1/2	2-302 * F. & R. Jubeauville	10.00	8.00	2.00
	SW 1/2 NE 1/2 ex pt.	6	49.5	2-303 Violot King	395.00	316.00	79.00
	NE 1/2 NE 1/2	6	50	2-304 F. & N. Trudell	400.00	320.00	80.00
	SW pt SW 1/2	7	40	2-305 J. Raspburg	320.00	256.00	64.00
	NE pt SW 1/2	7	40	2-306 G. & C. Kesrelyn	320.00	256.00	64.00
	SW pt NE 1/2 & pt NE pt SW 1/2	7	80	2-307 R. & C. Bossy	640.00	512.00	128.00
	NE pt & NE 1/2	7	40	2-308 R. & C. Pinsonneault	320.00	256.00	64.00
	SW 1/2 SW 1/2 ex pt.	8	49.483	2-309 R. & C. Pinsonneault	395.00	316.00	79.00
	pt SW 1/2 SW 1/2 ex pt.	8	1/2	2-30901 * D. & B. Johnston	10.00	8.00	2.00
	pt. NE 1/2 SW 1/2	8	1/3	2-310 C. Couture	5.00	4.00	1.00
	NE 1/2 SW 1/2 ex pt	8	49.660	2-311 A. Couture	395.00	316.00	79.00
	SW 1/2 NE 1/2	8	50	2-312 B. C. Bechard	400.00	320.00	80.00
	NE 1/2 NE 1/2	8	50	2-313 I. Bourassa	400.00	320.00	80.00
	SW 1/2 SW 1/2	9	50	2-314 Ernest King	400.00	320.00	80.00

Con.	Lot or Pt. Lot		Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leq. Grt.	Net Assessment
4	NE $\frac{1}{2}$ SW $\frac{1}{2}$	9	50	2-315 F. & M. Pinsonneault	400.00	320.00	80.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$	9	50	2-316 R, C. F, & M. Pinsonneault	400.00	320.00	80.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$	9	50	2-317 E. & R. King	400.00	320.00	80.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ ex SE cor	10	48	2-318 F. & J. Raspburg	380.00	304.00	76.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$	10	50	2-320 A. Caron	350.00	290.00	70.00
	SW $\frac{1}{2}$	11	100	2-321 R. & C. King	650.00	520.00	130.00
	SW pt NE $\frac{1}{2}$ ex pt. 11	71		2-322 R. Pinsonneault	425.00	340.00	85.00
	NE pt NE pt SE pt ex SW cor.	11	13.5	2-325 R. & Y. Pinsonneault	80.00	64.00	16.00
	NE pt NE pt NW pt.	11	14	2-326 R. Pinsonneault	85.00	68.00	17.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	12	50	2-327 R. & Y. Pinsonneault	250.00	200.00	50.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	12	49.5	2-328 J. M. Caron	240.00	192.00	48.00
	NE $\frac{1}{2}$	10	100	2-335 E. J. King	725.00	580.00	145.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	12	50	2-336 R. T. Pinsonneault	350.00	280.00	70.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	12	49	2-337 F. & M. Caron	290.00	232.00	58.00
5	SW $\frac{1}{2}$ SE $\frac{1}{2}$	6	50	2-350 C. & M. Lozon	400.00	320.00	80.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	7	25	2-351 C. & M. Lozon	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	7	23	2-352 A. St. Pierre	185.00	148.00	37.00
	W pt SE cor E $\frac{1}{2}$	7	$\frac{1}{2}$	2-353 * R. & B. Couture	10.00	8.00	2.00
	E pt SE cor E $\frac{1}{2}$	7	1.526	2-354 R. Couture	15.00	12.00	3.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Given Road	7	47	2-355 R. Couture	375.00	300.00	75.00
	SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ SE Given Rd.	8	41	2-356 J. & B. Osuch	325.00	260.00	65.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex NW $\frac{1}{2}$ Ac NW Given Rd. & SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	74.25	2-357 H. & M. Mielczarek	600.00	480.00	120.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	25	2-358 H. Couture	200.00	160.00	40.00
	SE pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ SE Given Rd.	9	19.5	2-359 E. & E. Couture	155.00	124.00	31.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	10	25	2-360 H. & M. Couture	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SW Given Road	10	63.5	2-361 E. & E. Couture	510.00	408.00	102.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	7	40	Cie Couture	320.00	256.00	64.00

Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg.Grnt.	Net Assessment
5	NE½ SE½ ex pt. 6	48.74	2-362 C. & M. Lozon	390.00	312.00	78.00
	Pt. 1 RD 145 6	1.25	2-363 C. R. & R. Lozon	15.00	12.00	3.00
	NE pt SE½ SE Given Road 8	43	2-364 P. Dulisch Estate	345.00	276.00	69.00
	SW½ NW½ 6	50	2-366 Marie Dulisch	400.00	320.00	80.00
	NE½ NW½ ex pt. 6	49.2	2-367 R. Pinsonneault	395.00	316.00	79.00
	Pt. NE½ NW½ ex pt. 6	.8	2-368 M. & M. St. Pierre	10.00	8.00	2.00
	SE pt SW½ NW½ 7	10	2-369 Clara Kendall	80.00	64.00	16.00
	NE pt NE½ NE Given Rd. 7	53	2-370 H. St. Pierre	425.00	340.00	85.00
	NW pt SW½ SE½ NW Given Rd. 8	9	2-371 L. & L. Lozon	72.00	57.60	14.40
	SW½ NW½ 8	50	2-372 C. Bechard	400.00	320.00	80.00
	NE½ NW½ & NW pt NE½ SE½ NW Given Rd. 8	57	2-373 P. Dulisch Est.	455.00	364.00	91.00
	NW cor SW½ SE½ NW Given Road 9	½	2-374 * M. St. Pierre	10.00	8.00	2.00
	SW½ NW½ 9	49	2-375 W., J., & M Gebal	395.00	316.00	79.00
	NW pt NE½ NW½ NW Given Rd. 9	30	2-376 W., J., & M., Gebal	240.00	192.00	48.00
	NW pt of S½ N½ W Big Pointe Rd. 10	19.5	2-377 W. J. & M. Gebal	155.00	124.00	31.00
	NE pt W½ N½ ex Rd. 10	11	2-378 W. & M. Gebal	90.00	72.00	18.00
	Pt S Rd. W½ E½ N½ 10	3	2-37801 V. & E. Tetrault	25.00	20.00	5.00
	SW cor W½ E½ N½ 10	1	2-379 E. Lozon	10.00	8.00	2.00
	E½ E½ N½ 10	25	2-380 W. & M. Gebal	200.00	160.00	40.00
	NE pt E½ S½ 10	11.75	2-381 W. & M. Gebal	95.00	76.00	19.00
	S pt W½ N½ W Big Pointe Rd. 10	18.5	2-382 E. & E. Couture	145.00	116.00	29.00
	SE½ 11	100	2-383 G. & R. Pinsonneault	700.00	560.00	140.00
	SW½ SE½ 12	50	2-384 R. Pinsonneault	300.00	240.00	60.00
	NE½ SE½ 12	50	2-385 O. & M. Pinsonneault	300.00	240.00	60.00
6	NW½ SE½ 1	50	5-001 R. Dorbecker	400.00	320.00	80.00
	SE½ SE½ 1	49.656	5-002 H. & J. Klinard	395.00	316.00	79.00
	NW 100' SE½ SE½ 1	1/3	5-00201 * Union Gas Ltd.	5.00	4.00	1.00



Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment	
6	SW 273'	SW½ SE½	2	.95	5-003 G. & A. Klein	10.00	8.00	2.00
	SW½ SE½ & SW pt	NE½ SE½ ex pt	2	65.226	5-006 Belletierre Farms	520.00	416.00	104.00
	SW 162' NE 476.15	SW pt SE½	2	.8	5-00601 * Patricia Lozon	10.00	8.00	2.00
	Ct. pt. NE½ SE½		2	25	5-007 J. & B. Osuch	200.00	160.00	40.00
	NE pt NE½ SE½ SW pt SW½ SE½	2 & 3	20		5-008 S. & P. Czarnecki	160.00	128.00	32.00
	NE pt SW½ SE & SW pt NE½ SE ex pt.	3	68.34		5-009 R. & T. Pinsonneault	545.00	436.00	109.00
	Pts. 1 & 2 RD 206	3	1.90		5-00901 Michael Klinard	15.00	12.00	3.00
	NE pt NE½ SE½ ex E cor	3	20.6		5-010 J. & R. Schuster	165.00	132.00	33.00
	E cor NE pt NE½ SE½ ex E cor	3	1.1		5-011 * J. & R. Schuster	10.00	8.00	2.00
	SW½ SE½	4	50		5-012 J. & K. Schertzer	400.00	320.00	80.00
	NE½ SE½	4	50		5-013 Jean Pinsonneault	400.00	320.00	80.00
	SE½ SE½	5	50		5-014 H. & J. Klinard	400.00	320.00	80.00
	NW½ SE½	5	50		5-015 R. & E. Charron	400.00	320.00	80.00
	SW½	6	100		5-016 M. Gardiner	800.00	640.00	160.00
	NE½	6	100		5-017 H. Dutka	800.00	640.00	160.00
	SW½ SE½	7	50		5-018 S. & P. Evans	400.00	320.00	80.00
	SW½ NE½	7	50		5-019 Mike Monyes	400.00	320.00	80.00
	NE½ NE½	7	50		5-020 S. & P. Evans	400.00	320.00	80.00
	SW½	8	100		5-021 R. & A. Lozon	800.00	640.00	160.00
	NE½ SE½	8	50		5-022 H. Couture	400.00	320.00	80.00
	SE½	9	100		5-023 F. & M. Couture	800.00	640.00	160.00
	SW½ SE½	10	50		5-024 O. Couture	400.00	320.00	80.00
	SW½ SW½ NE½ SE½	10	12.5		5-025 Vital Sterling	100.00	80.00	20.00
	NE½ SW½ NE½ SE½ & NE½ NE½ SE½	10	37.5		5-026 P. & A. Sterling	300.00	240.00	60.00
	SW½ SE½	11	50		5-027 N. & M. Letourneau	400.00	320.00	80.00
	NE½ SE½	11	50		5-028 J. & W. Gebal	400.00	320.00	80.00
	SW½ SE½	12	50		5-029 B. Carron	350.00	280.00	70.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg.Grt.	Net Assessment
6	NE $\frac{1}{2}$	SE $\frac{1}{2}$ ex pt. 12	48.757	5-030 O. & J. Delrue	325.00	260.00	65.00
	SE $\frac{1}{2}$	NW $\frac{1}{2}$ ex pt. 1	49.46	5-032 Belleterre Farms	395.00	316.00	79.00
	SE 265.88'	NW 529.58'		5-033 *			
	SE $\frac{1}{2}$	NW $\frac{1}{2}$	1	G. & M. Emrich	10.00	8.00	2.00
	NW 263.71'			5-034			
	SE $\frac{1}{2}$	NW $\frac{1}{2}$	1	G. & K. Emrich	10.00	8.00	2.00
	NW $\frac{1}{2}$	NW $\frac{1}{2}$	1	5-035 F. Pinsonneault	400.00	320.00	80.00
	SW pt	NW $\frac{1}{2}$	2	5-036 * Dover Rod & Gun Club	80.00	64.00	16.00
	NE pt	NW $\frac{1}{2}$	2	5-037 * Gustaaf Blondeel	720.00	576.00	144.00
	NW $\frac{1}{2}$		3	5-038 Gustaaf Blondeel	800.00	640.00	160.00
	SW $\frac{1}{2}$	NW $\frac{1}{2}$	4	5-039 L. Tetrault Est.	400.00	320.00	80.00
	SW $\frac{1}{2}$	NE $\frac{1}{2}$ NW $\frac{1}{2}$	4	5-040 J. & M. Pinsonneault	200.00	160.00	40.00
	NE $\frac{1}{2}$	NE $\frac{1}{2}$ NW $\frac{1}{2}$	4	5-041 G. & K. Mai	200.00	160.00	40.00
	NW $\frac{1}{2}$	NW $\frac{1}{2}$	5	5-042 J.P. & M. Pinsonneault	400.00	320.00	80.00
	SE $\frac{1}{2}$	NW $\frac{1}{2}$	5	5-043 G. & K. Mai	400.00	320.00	80.00
	SW $\frac{1}{2}$	NW $\frac{1}{2}$	7	5-044 O. Couture	400.00	320.00	80.00
	NE $\frac{1}{2}$	NW $\frac{1}{2}$	8	5-045 O. & D. Couture	400.00	320.00	80.00
	SW pt	NW $\frac{1}{2}$ SW R pt. Rd.	8	5-046 O. & B. Couture	705.00	564.00	141.00
	NE pt	NW $\frac{1}{2}$ NE R pt Rd.	9	5-047 J. & M. Couture	80.00	64.00	16.00
	SW $\frac{1}{2}$	NW $\frac{1}{2}$	10	5-048 J. & M. Couture	400.00	320.00	80.00
	NE $\frac{1}{2}$	NW $\frac{1}{2}$	10	5-049 E. Duquette	400.00	320.00	80.00
	SW $\frac{1}{2}$	NW $\frac{1}{2}$	11	5-050 W. Cadotte	400.00	320.00	80.00
	NE $\frac{1}{2}$	NW $\frac{1}{2}$	11	5-051 J. Ouellette	400.00	320.00	80.00
	NW $\frac{1}{2}$		12	5-052 Oscar Delrue	700.00	560.00	140.00
	NW $\frac{1}{2}$		13	5-053 G. & E. Delrue	600.00	480.00	120.00
7	SW $\frac{1}{2}$	SE $\frac{1}{2}$	3	5-060 A. & R. Szymanski	400.00	320.00	80.00
	NE $\frac{1}{2}$	SE $\frac{1}{2}$	3	5-061 Adelard Tetrault	400.00	320.00	80.00
	SW $\frac{1}{2}$	SE $\frac{1}{2}$	4	5-062 A. & B. Tetrault	400.00	320.00	80.00
	NE $\frac{1}{2}$	SE $\frac{1}{2}$	4	5-063 Eclid Tetrault	400.00	320.00	80.00

Con. Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
7 SE $\frac{1}{2}$	5 100	5-064 Eclild Tetrauit	800.00	640.00	160.00
NW $\frac{1}{2}$ SE $\frac{1}{2}$	6 50	5-065 H. Kestelyn Est.	400.00	320.00	80.00
SE $\frac{1}{2}$ SE $\frac{1}{2}$	6 48.84	5-066 S. Flodrowski	390.00	312.00	78.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$	7 50	5-067 D. Tetrauit Est.	400.00	320.00	80.00
SE $\frac{1}{2}$	8 99.419	5-068 H.F. Couture	795.00	636.00	159.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$	9 49.417	5-069 P. & D. Martin	395.00	316.00	79.00
NW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	9 23.75	5-070 P. & D. Martin	190.00	152.00	38.00
SE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex Rd.	9 23.203	5-071 Raoul Martin	185.00	148.00	37.00
SE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	10 24.423	5-072 Raoul Martin	195.00	156.00	39.00
Ct. 1/3 NE $\frac{1}{2}$ SE $\frac{1}{2}$	10 16.66	5-073 B. Mallette	135.00	108.00	27.00
SW 1/3 NE $\frac{1}{2}$ SE $\frac{1}{2}$	10 16.467	5-074 B. Mallette	135.00	108.00	27.00
NE 1/3 NE $\frac{1}{2}$ SE $\frac{1}{2}$	10 16.274	5-075 B. Mallette	135.00	108.00	27.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$	11 49.424	5-076 J., D., V., & A. Martin	395.00	316.00	79.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$	11 49.423	5-077 A. & A. Martin	395.00	316.00	79.00
SE $\frac{1}{2}$ SE $\frac{1}{2}$	12 48.87	5-078 V. Martin	340.00	272.00	68.00
NW $\frac{1}{2}$ SE $\frac{1}{2}$	12 50	5-079 A. Martin	350.00	280.00	70.00
Pts SW Rivard Drain	1 & 2 126.5	5-091 St. Lukes Club	1,012.00	809.60	202.40
Pts. 1 & 2 24 R 639	2.89	5-092 G. & A. Klein	25.00	20.00	5.00
All NE Rivard Dr.	1 & 2 270.405	5-093 Snake Island Marsh	2,165.00	1,732.00	433.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$	3 50	5-094 A. Tetrauit	400.00	320.00	80.00
SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt.	3 24.54	5-095 A. Tetrauit	195.00	156.00	39.00
Pt.	3 $\frac{1}{2}$	5-096 * S. Tetrauit	10.00	8.00	2.00
NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	3 25	5-097 E. & C. Tetrauit	200.00	160.00	40.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$	4 50	5-098 A. & A. Tetrauit	400.00	320.00	80.00
SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	4 25	5-099 A. & A. Tetrauit	200.00	160.00	40.00
NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt.	4 24.65	5-100 O. & L. Tetrauit	195.00	156.00	39.00
Pt. NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	4 .35	5-10001 * J. & D. Nissen	5.00	4.00	1.00



Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
7	SW½ NW½	5	49.507	5-101 D. & E. Laevens	195.00	156.00	39.00
	Pt. 1 24 R1232	5	.5	5-10101 * David Laevens	10.00	8.00	2.00
	NE½ NW½ ex pts.	5	49.4	5-102 Charles Couture	395.00	316.00	79.00
	Pt E½ N½	5	.6	5-103 * Harvey Tetrault	10.00	8.00	2.00
	SW½ NW½	6	50	5-104 R. & E. Charron	400.00	320.00	80.00
	NE½ NW½	6	50	5-105 R. Charron	400.00	320.00	80.00
	NW pt on N½ W½	7	.35	5-106 * Est. of L. Tetrault & H. Tetrault	5.00	4.00	1.00
	SW½ NW½ ex pt.	7	49.75	5-107 O. & C. Tetrault	395.00	316.00	79.00
	NE½	7	100	5-108 F. & G. Caron	800.00	640.00	160.00
	SW½ SW½ NW½	8	25	5-109 Charles Couture	200.00	160.00	40.00
	NE½ SW½ NW½	8	25	5-110 Harvey Couture	200.00	160.00	40.00
	NE½ NW½	8	50	5-111 F. Caron	400.00	320.00	80.00
	SW 52' SW½ NW½	9	¼	5-112 * V. & E. Tetrault	5.00	4.00	1.00
	E pt on W½ N½ W.B.pt. Rd.	9	.50	5-113 * M. & J. Marleau	10.00	8.00	2.00
	SE pt SW½ NW NW W.B.Pt. Rd.	9	15	5-114 H. Toulouse	120.00	96.00	24.00
	NE pt SW½ NW½	9	33	5-115 H. Couture	265.00	212.00	53.00
	NE½ NW½	9	50	5-116 A. & M. Martin	400.00	320.00	80.00
	SW½ NW½ & NW½ SW½ SE½	10	75	5-117 H. Ouellette	600.00	480.00	120.00
	NE½ NW½	10	50	5-118 V. & B. Mallette	400.00	320.00	80.00
	SW½ NW½	11	50	5-119 H. & C. Louagie	400.00	320.00	80.00
	NE½ NW½	11	50	5-120 W. & B. Hembree	400.00	320.00	80.00
	NW½	12	100	5-121 A. & M. St. Pierre	700.00	560.00	140.00
	NE½ NW½	15	25	6-083 J. Pinsonneault	175.00	140.00	35.00
	NW½ NW½	16	45	6-084 Chapple Farms Ltd.	315.00	252.00	63.00
	SW½ NW½	17	45	6-056 Chapple Farms Ltd.	315.00	252.00	63.00
8	NW cor Pt. SE½	1	3.5	5-131 * E. Hamilton	40.00	32.00	8.00
	NW pt SE½ ex NW cor.	1	2	5-132 W, M, S. Royer	20.00	16.00	4.00

Con. Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
8 NE 150' SW 255' SE $\frac{1}{2}$ 1	1/3	5-134 * P. & P. Hamilton	10.00	8.00	2.00
S pt ex Lts. S Cor. 1	76	5-135 R. & M. Lucier	760.00	608.00	152.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$ 2	50	5-136 F. & D. Charron	400.00	320.00	80.00
SW 100' NE 447.3 SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ 2	1/3	5-13601 * L. & B. Lozon	10.00	8.00	2.00
SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts SE Toulouse Dr. 2	22.289	5-137 F. Lucier	180.00	144.00	36.00
SW 100' NE 255.3 SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ 2	1/3	5-13701 * G. & D. Robichaud	10.00	8.00	2.00
NE 100' SW 200' NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ 2	1/3	5-138 * Gerald Lucier	10.00	8.00	2.00
SW 100' NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ 2	1/3	5-13801 J. & G. Lucier	10.00	8.00	2.00
NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts. & pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Toulouse Dr. 2	26.312	5-139 D. & A. Lucier	210.00	168.00	42.00
NE 130' SW 512' SW $\frac{1}{2}$ SE $\frac{1}{2}$ 3	.6	5-140 * Yvonne Lucier	10.00	8.00	2.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt 3	49.4	5-141 Felix Lucier	390.00	312.00	78.00
Pt E $\frac{1}{2}$ S $\frac{1}{2}$ 3	1/3	5-142 * O. Lauzon	10.00	8.00	2.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 3	50	5-143 E. & P. Tetrault	400.00	320.00	80.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$ 4	50	5-144 Annie Tomen	400.00	320.00	80.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 4	49.5	5-145 G. Koekuyt	395.00	316.00	79.00
SW 105' NE 444' NE $\frac{1}{2}$ SE $\frac{1}{2}$ 4	.26	5-146 * L. & J. Tetrault	10.00	8.00	2.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$ 5	50	5-147 C. & M. Van Hove	400.00	320.00	80.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$ 5	50	5-148 Orville Charron	400.00	320.00	80.00
W cor SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW Toulouse Dr. 6	1	5-160 * C. & R. Myers	15.00	12.00	3.00
SW 100' SW $\frac{1}{2}$ SE $\frac{1}{2}$ 6	1/3	5-161 * O. & L. Tetrault	10.00	8.00	2.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts 6	49.75	5-162 G. Blondeel	390.00	312.00	78.00
NE 325' NE $\frac{1}{2}$ SE $\frac{1}{2}$ (RD105) 6	1	5-163 * Wayne Myers	15.00	12.00	3.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 6	49	5-164 Wm. Burke	390.00	312.00	78.00
SE $\frac{1}{2}$ 7	100	5-165 A. & M. DeBaere	800.00	640.00	160.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex RD 1059 8	49.312	5-166 Charles Couturo	395.00	316.00	79.00
Pt 1 24 R 1059 8	3/4	5-16601 * Rita Couturo	10.00	8.00	2.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
8	NE½ SE½	8	50	5-167 F. & G. Caron	400.00	320.00	80.00
	SW½ SE½	9	50	5-168 H. & D. Couture	400.00	320.00	80.00
	NE½ SE½	9	50	5-169 L. & M. Poissant	400.00	320.00	80.00
	SW½ SE½	10	50	5-170 M. Ouellette	400.00	320.00	80.00
	NE½ SE½ ex pt	10	49.5	5-171 P. & D. Martin	395.00	316.00	79.00
	NE 150' NE½ SE½	10	.5	5-172 * B. & H. Howard	10.00	8.00	2.00
	SW½ SE½ ex Rd.	11	48	5-173 Helon Bechard	390.00	312.00	78.00
	NE½ SE½	11	50	5-174 O. & M. Louagie	400.00	320.00	80.00
	SW½ SE½ ex pt.	12	49.66	5-175 * W. & B. Hombree	350.00	280.00	70.00
	Pt.	12	1/3	5-176 * D. & I. Butler	10.00	8.00	2.00
	Pt.	12	2.7	5-177 * Caron Grain Ltd.	25.00	20.00	5.00
	SE pt NE½ SE½ ex pt	12	17.73	5-178 Gertrude Mayors	120.00	96.00	24.00
	SE 1/3 NW pt NE½ SE½ ex pts.	12	8.83	5-179 Noella Roberts	60.00	48.00	12.00
	Pt E Cor S10 Acres. N 30 Ac E½ S½	12	2/3	5-180 G. & A. Lozon	10.00	8.00	2.00
	Pt N cor S 10 Ac N 30 Ac E½ S½	12	.50	5-181 N. Roberts	10.00	8.00	2.00
	NW 2/3 NW pt NE½ SE½	12	19.797	5-182 H. Bagnall	160.00	128.00	32.00
	SW½ SE½ ex pt SW Boyle Dr.	13	48.6	5-193 H. Bagnall	200.00	160.00	40.00
	NW½	Lt. 1, 2, & 3	290	5-200 Big Pointe Club	2,320.00	1,856.00	464.00
	SW½ NW½	4	50	5-202 Clifford Lauzon	400.00	320.00	80.00
	NE½ NW½	4	50	5-203 John Roberts et al	400.00	320.00	80.00
	SW½ SW½ NW½	5	25	5-204 John Roberts	200.00	160.00	40.00
	NE½ SW½ NW½ & NE½ NW½	5	75	5-205 O. & T. Lozon	600.00	480.00	120.00
	SW½ NW½	6	50	5-216 O. & T. Lozon	400.00	320.00	80.00
	NE½ NW½	6	50	5-217 L. & J. Tetrault	400.00	320.00	80.00
	SW½ NW½	7	50	5-218 Almo Labadie	400.00	320.00	80.00
	NE½ NW½	7	50	5-219 P. Pinsonneault	400.00	320.00	80.00
	SW½ SW½ NW½ ex pt.	8	24	5-220 P. Pinsonneault	195.00	156.00	39.00



Con. Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leq. Grt.	Net Assessment
8 NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & pt SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ 8	26	5-221 P. Pinsonneault	205.00	164.00	41.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$ 8	50	5-222 P. Pinsonneault	400.00	320.00	80.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ 9	50	5-223 H. & L. Ouellette	400.00	320.00	80.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$ 9	50	5-224 L. Bourgeois Est.	400.00	320.00	80.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ 10	50	5-225 D. Sylvain	400.00	320.00	80.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$ 10	50	5-226 D. Sylvain	400.00	320.00	80.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SE pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ SE Boyle Drain 11	60	5-227 L. Ouellette	480.00	384.00	96.00
NW pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt NW Boyle Dr. 11	12.5	5-228 J. & B. Robinson	100.00	80.00	20.00
NE 260' SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ 11	2.46	5-229 R. & M. Drow	25.00	20.00	5.00
NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ 11	25	5-230 Victor Mallette	200.00	160.00	40.00
NE cor W $\frac{1}{2}$ N $\frac{1}{2}$ 12	1	5-231 * H. Sylvain	10.00	8.00	2.00
Pt on W $\frac{1}{2}$ N $\frac{1}{2}$ 12	.40	5-232 * G. & T. Gagnon	5.00	4.00	1.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt 12	48	5-233 N. & A. Benoit	335.00	268.00	67.00
RP Lots 594 26 & 27 3/5		5-234 * L. & J. Brown	10.00	8.00	2.00
Lot 28	1/3	5-235 * J. & K. Butler	5.00	4.00	1.00
Lot 29	1/3	5-236 * L. & A. Ouellette	5.00	4.00	1.00
RP 594 All & 587 25	1.2	5-237 * Twp. of Dover	10.00	8.00	2.00
All 24	1/3	5-238 A. & B. Daniel	5.00	4.00	1.00
All 23	.17	5-239 * J. & V. Belanger	5.00	4.00	1.00
All 22	.2	5-240 * L. Porreault	5.00	4.00	1.00
NW pt 30	.21	5-241 * W. & Y. Fobb	5.00	4.00	1.00
Pt. 30	.22	5-242 * L. & J. Benoit	5.00	4.00	1.00
21	.18	5-24201 L. & V. Emery	5.00	4.00	1.00
All 20	.32	5-243 * J. Benoit	5.00	4.00	1.00
19	.15	5-244 * N. & A. Benoit	5.00	4.00	1.00
8 Pt Lt ex pts 12	16.61	5-245 N. & A. Benoit	115.00	92.00	23.00
18	.18	5-246 * R. & L. Dulong	5.00	4.00	1.00

Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg.Grt.	Net Assessment
8		17 .19	5-247 *			
			C. & E. Emery	5.00	4.00	1.00
RP 587		16 .18	5-248 *			
			D. Alexander	5.00	4.00	1.00
		15 .18	5-249			
			S. & C. Trahan	5.00	4.00	1.00
		14 .21	5-250 *			
			Elsie Demers	5.00	4.00	1.00
		13 .17	5-251 *			
			R. & D. Lozon	5.00	4.00	1.00
RP 587 & 594	31 & 13	1/3	5-252 *			
			J. Kookuyt	5.00	4.00	1.00
RP 594	32	1/3	5-253 *			
			R. & R. Myers	5.00	4.00	1.00
RP 587 SE pt Lot 11 & pt 4 24 R 960		$\frac{1}{2}$	5-254 *			
			D. & A. Benoit	5.00	4.00	1.00
RP 594 Block B 7 Pt. Dr.	$\frac{1}{2}$		5-255 *			
			S. & J. Laprise	5.00	4.00	1.00
RP 587 Pt Lt. 11 & 12	$\frac{1}{2}$		5-256 *			
			A. Demers	5.00	4.00	1.00
8 SE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	12 25		5-276			
			R. Normandin	175.00	140.00	35.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$	15 25		5-198			
			J. L. Pinsonneault	125.00	100.00	25.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$	15 50		5-199			
			R. & G. DeDecker	300.00	240.00	60.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$	15 25		5-295			
			Orville Lucier	150.00	120.00	30.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$	15 50		5-296			
			H. Marchand	300.00	240.00	60.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$	16 50		6-106			
			A. & B. Faubert	300.00	240.00	60.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$	16 50		6-107			
			Harold James	300.00	240.00	60.00
SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	17 25		6-108			
			Lee Harris	150.00	120.00	30.00
NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	17 20		6-10801			
			Robt. Harris	120.00	96.00	24.00
NW $\frac{1}{2}$ ex pt	16 99.5		6-114			
			D. Cadotte	590.00	472.00	118.00
NE 136.25' SW 521.25 NW $\frac{1}{2}$	16 $\frac{1}{2}$		6-113 *			
			G. Cadotte	10.00	8.00	2.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$	17 40		6-115 *			
			M. & G. Devolder	250.00	200.00	50.00
9 Pt Lots 1, 2, 3 & 4	337		5-301			
			Big Pointe Club	2,700.00	2,160.00	540.00
SE $\frac{1}{2}$	5 100		5-302			
			O. & T. Lozon	800.00	640.00	160.00
SW $\frac{1}{2}$	6 100		5-303			
			R. & J. L'Ecuyer	800.00	640.00	160.00
NE $\frac{1}{2}$	6 100		5-304			
			R. & H. Cartier	800.00	640.00	160.00
Pt. 1 RD 94 S $\frac{1}{2}$ W $\frac{1}{2}$	7 1		5-305 *			
			Joanne Griffore	10.00	8.00	2.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment	
9	SE½ SW½ SE½	ex pt 7	24	5-306 B. Griffore	190.00	152.00	38.00	
	NW½ SW½ SE½	ex pt.	7	24.6	5-307 A. & G. Bechard	195.00	156.00	39.00
	Pt.	7	.4	5-30701 * Roland Bechard	10.00	8.00	2.00	
	NW½ NE½ SE½	7	25	5-308 Barney Griffore	200.00	160.00	40.00	
	SE½ NE½ SE½	ex pt.	7	24	5-309 Almo Labadie	190.00	152.00	38.00
	Pt on S½ E½ S½	7	1	5-310 * Almo Labadie	10.00	8.00	2.00	
	SW½ SE½	ex pt B	48.5	5-311 L. & L. Emery	390.00	312.00	78.00	
	NE 181.5'	SW½ SE½ B	1½	5-312 * Harvey Toulouse	15.00	12.00	3.00	
	NE½ SE½ SE	Boyle Dr.	8	48	5-313 S. & M. Letourneau	390.00	312.00	78.00
	SW pt SW½ SE½ SE	Boyle Drain	9	23	5-314 Edna Brown	185.00	148.00	37.00
	NE pt NE½ SE½ SE	Boyle Drain	9	22.66	5-315 L. & H. Ouellette	185.00	148.00	37.00
	NE pt SW½ SE½ & SW pt NE½ SE½ SE	Boyle Drain	9	47	5-316 L. Caron	375.00	300.00	75.00
	NE 80' NE pt NE½ SE½	9	1/3	5-317 * J. & M. DeKieviet	10.00	8.00	2.00	
	Pt. SW½ pt I 24R 1023	9	.9	5-31701 * J. & J. Graham	15.00	12.00	3.00	
	SW½	ex pts	10	96.58	5-318 E. & V. Emery	775.00	620.00	155.00
	SE pt SW½	10	2.5	5-319 * R.C. Corporation	20.00	16.00	4.00	
	Pt. SW cor E½	10	2	5-320 D. Sylvain	15.00	12.00	3.00	
	S½ E½	ex Church land	10	45.5	5-321 L. & C. Roelans	365.00	292.00	73.00
	SW½ SW½	11	50	5-322 A. Bourgeois	400.00	320.00	80.00	
	SW 264' NE 3/4 SE½	11	7.5	5-323 M. & S. Gagner	60.00	48.00	12.00	
	SE½ NE 3/4	ex pt	11	69	5-324 O. & E. Cartier	550.00	440.00	110.00
	SW½ SW½ SE½	12	25	5-325 H. Malette	175.00	140.00	35.00	
	NE½ SW½ SE½	12	25	5-326 J. & B. L'Ecuyer	175.00	140.00	35.00	
RP 598	Lot 2	½		5-327 * Stella Delanghe	5.00	4.00	1.00	
		3	1/6	5-328 * C. & H. Chevalier	5.00	4.00	1.00	
		1	11	5-330 R. & R. Trahan	65.00	52.00	13.00	



Con.	Lot or Pl. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
5	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 14	15	5-349 O. & B. Couture	90.00	72.00	18.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	14	15 5-303 R. & L. Myers	90.00	72.00	18.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	15	20 5-350 O. & B. Couture	120.00	96.00	24.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	15	25 5-351 Orville Lucier	150.00	120.00	30.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	15	30 5-352 E. & P. Caron	300.00	240.00	60.00
	NW $\frac{1}{2}$	15	100 5-384 E. & P. Caron	700.00	560.00	140.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	16	50 7-021 Bishop Farms Ltd.	350.00	280.00	70.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	16	50 7-022 Bishop Farms Ltd.	350.00	280.00	70.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	27	10 7-023 I. & M. Capiau	60.00	48.00	12.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SE $\frac{1}{2}$		5-361			
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	5	75 M. Lozon	600.00	480.00	120.00
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	5	25 5-362 Manson Lozon	200.00	160.00	40.00
	NW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$	5	25 5-363 Henry Griffore	200.00	160.00	40.00
	SE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	5	25 5-364 Henry Griffore	200.00	160.00	40.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt. 7	49	5-365 Alvin Griffore	395.00	316.00	79.00
	NE pt NW Boyle Drain	7	1 5-366 * D. & B. Lozon	10.00	8.00	2.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	8	25 5-367 K. & S. Young	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	8	25 5-368 Terre-du-Lac Farms	200.00	160.00	40.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	8	52 5-369 Terre-du-Lac Farms	415.00	332.00	83.00
	SW pt SW $\frac{1}{2}$ NW $\frac{1}{2}$		5-370			
	NW Boyle Dr.	9	27 L. & V. Poissant	215.00	172.00	43.00
	NE pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Dr.	9	27 5-371 W. & B. Benoit	215.00	172.00	43.00
	NE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Dr.	9	53 5-372 W. Benoit	425.00	340.00	85.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	10	50 5-373 O. Emery	400.00	320.00	80.00
	NW $\frac{1}{2}$ NE 3/4 ex pt	11	75 5-374 O. & E. Cartier	600.00	480.00	120.00
	NE 124' SW 1497'		5-375			
	NW $\frac{1}{2}$ NE 3/4	11	1/3 E. & D. Bouiley	10.00	8.00	2.00
	NW $\frac{1}{2}$ ex pt	12	99.65 5-376 O. & E. Cartier	700.00	560.00	140.00
	Pt 1 24 R646	12	1/3 5-37601 * S. Stefina et al	10.00	8.00	2.00

Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment
10	Lts. 2, 3, 4, 5, & pt. 6	200	5-391 Big Pointe Club	1,600.00	1,280.00	320.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	6	5-392 R. & J. L'Ecuier & DVA	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	6	5-393 Ovila Lozon	400.00	320.00	80.00
	W $\frac{1}{2}$ ex pt N. Boyle Dr.	7	5-394 Alvin Griffore	790.00	632.00	158.00
	S pt S $\frac{1}{2}$	7	5-395 Dale Emery	300.00	240.00	60.00
	SE $\frac{1}{2}$	8	5-396 Odilas Emery	800.00	640.00	160.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	9	5-397 L. & V. Poissant	400.00	320.00	80.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	5-398 Wilfred Bonoit	185.00	148.00	37.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	5-399 Terro-du-Lac Farms	200.00	160.00	40.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	10	5-400 Orville Cartier	400.00	320.00	80.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	10	5-401 Theode Emery Est.	200.00	160.00	40.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	10	5-402 O. Cartier Est.	200.00	160.00	40.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	11	5-403 Dorsey Labadio	400.00	320.00	80.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	11	5-404 W. Cartier	200.00	160.00	40.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	11	5-405 Adelard Brown Est.	200.00	160.00	40.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	12	5-406 Adelard Brown Est.	200.00	160.00	40.00
	NE 3/4 SE $\frac{1}{2}$ ex pt 12	40	5-407 V. & B. Letourneau	300.00	240.00	60.00
	NE cor NW $\frac{1}{2}$ N Boyle Dr.	7	5-414 Big Pointe Club	10.00	8.00	2.00
	NW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$	7	5-415 O. & L. Tetrault	60.00	48.00	12.00
	Pt. N12 $\frac{1}{2}$ Ac E $\frac{1}{2}$	3	5-416 D. Hobert	25.00	20.00	5.00
	N 59 $\frac{1}{2}$ Ac ex N 12 $\frac{1}{2}$ Ac E $\frac{1}{2}$	7	5-417 Leo Lauzon	375.00	300.00	75.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex Rd	8	5-418 Henry Myers Est.	380.00	304.00	76.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	8	5-419 Hector Myers	390.00	312.00	78.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & NW $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	9	5-420 Hector Myers	245.00	196.00	49.00
	Pt. on W $\frac{1}{2}$ W $\frac{1}{2}$ N $\frac{1}{2}$	9	5-421 * L. & A. Myers	10.00	8.00	2.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ & SE $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	9	5-422 M. L'Ecuier	300.00	240.00	60.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	9	5-423 Jacob Cartier	210.00	168.00	42.00

Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
10	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	10 25	5-424 Jacob Cartier	200.00	160.00	40.00
	NE $\frac{3}{4}$ NW $\frac{1}{2}$	10 75	5-425 R. A. Cartier	600.00	480.00	120.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	11 50	5-426 R. A. Cartier	400.00	320.00	80.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	11 50	5-427 Anna Brown	400.00	320.00	80.00
	NW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	12 25	5-428 D. Brown Est.	175.00	140.00	35.00
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	12 25	5-429 V. & I. Demers	175.00	140.00	35.00
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	12 30	5-430 A. Brown Est.	200.00	160.00	40.00
	NW pt SE $\frac{1}{2}$	13 20	8-001 S. V. Letourneau	150.00	120.00	30.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	14 20	8-005 H. A. Myers Est.	150.00	120.00	30.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	14 40	8-006 B. Emery	275.00	220.00	55.00
	SE $\frac{1}{2}$	15 100	8-007 J. Caron	700.00	560.00	140.00
	NW $\frac{1}{2}$	13 100	8-008 L. Letourneau	700.00	560.00	140.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	14 50	8-009 V. & I. Demers	350.00	280.00	70.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	14 50	8-010 Bishop Farms Ltd.	350.00	280.00	70.00
	NW $\frac{1}{2}$ ex pt.	15 90	8-011 A. & R. Couture	600.00	480.00	120.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	16 10	7-058 Arsend Couture	50.00	40.00	10.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	16 49.66	7-037 A. & D. Emery	340.00	272.00	68.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	16 25	7-038 R. & L. Myers	175.00	140.00	35.00
	SW 122.5' NW 122.5' SW $\frac{1}{2}$ SE $\frac{1}{2}$	16 1/3	7-036 * R. & L. Ouellette	10.00	8.00	2.00
11	SE $\frac{1}{2}$	6 & 7 110	8-016 Big Pointe Club	880.00	704.00	176.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	8 50	8-017 D. & Y. O'Neil	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	8 50	8-018 N. L'Ecuyer	400.00	320.00	80.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	9 50	8-019 N. L'Ecuyer	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	9 50	8-020 R. & N. Cartier	400.00	320.00	80.00
	SE $\frac{1}{2}$	10 100	8-021 R. & H. Cartier	800.00	640.00	160.00
	SW $\frac{3}{4}$ SE $\frac{1}{2}$	11 75	8-022 L. & R. Demers	600.00	480.00	120.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	11 25	8-023 C. Brown	200.00	160.00	40.00



Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment	
II	SW $\frac{1}{2}$ SE $\frac{1}{2}$	12	50	8-024 Clemence Brown	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	12	49.655	8-025 D. Brown Est.	390.00	312.00	78.00
	NW 100' SE 233.29' NE 150' of NE $\frac{1}{2}$ SE $\frac{1}{2}$	12	1/3	8-02501 * C. & M. Brown	10.00	8.00	2.00
	SE $\frac{1}{2}$	13	100	8-026 Henry Couture	700.00	560.00	140.00
	SE $\frac{1}{2}$	14	50	8-027 P. Pinsonneault	350.00	280.00	70.00
	SE $\frac{1}{2}$	15	10	8-028 S. McDonald & V. Lusk	50.00	40.00	10.00
RP 409	Lot 1 N $\frac{1}{2}$ Lot 2 SW pt Lot	4	.5	8-029 * Donald Rakus	250.00	200.00	50.00
		7	.03	8-030 * Ben Jacobs	25.00	20.00	5.00
	All	5 & 6	.67	8-031 * Donald Rakus	190.00	152.00	38.00
	NE pt	4	.11	8-032 * Donald Rakus	100.00	80.00	20.00
	NE pt	3	.11	8-034 * Jacob Bourdeau	100.00	80.00	20.00
	Pt 1, 2, 3, & 4		1.0	8-035 * S. & P. Vincent	300.00	240.00	60.00
	All 21, 22, 23, & 24		1.33	8-038 * Sam Dinsmore	200.00	160.00	40.00
II	Pt ex lots	8	93.847	8-039 Bay Lodge Inc.	800.00	640.00	160.00
RP 409	All	8 & 9	.55	8-051 * Donald Rakus	126.00	100.80	25.20
		10	.22	8-052 * R. Nowak	50.00	40.00	10.00
		11	.22	8-053 * L. Profota	50.00	40.00	10.00
	SW $\frac{1}{2}$	12	.11	8-054 * L. Profota	25.00	20.00	5.00
	NE $\frac{1}{2}$ Lt 12 & SW $\frac{1}{2}$ Lt 13		.16	8-055 * A. & P. Profota	40.00	32.00	8.00
	NE 3/4	13	.16	8-056 * Bonnie Lozon	40.00	32.00	8.00
		14	.22	8-057 * T. & S. Paczency	50.00	40.00	10.00
	SW $\frac{1}{2}$	15	.11	8-058 * D. & R. Bechard	25.00	20.00	5.00
	NE $\frac{1}{2}$	15	.11	8-059 * Y. & G. Laliberte	25.00	20.00	5.00
		16	.22	8-060 * H. & V. Mailloux	50.00	40.00	10.00
		17	.22	8-061 * W. & M. McGavin	50.00	40.00	10.00
	SW $\frac{1}{2}$	18	.4	8-062 * A. Irwin	25.00	20.00	5.00
	NE $\frac{1}{2}$	18	.11	8-063 * A. Irwin	25.00	20.00	5.00

Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
RP 409	19 & 20	.44	8-064 * R. Vandermergle	100.00	80.00	20.00
11	Pt S of RP 409 8	1.32	8-065 * D. Rakus	300.00	240.00	60.00
	NE cor NE $\frac{1}{2}$	8	8-076 * Lawrence Lozon	100.00	80.00	20.00
	NW $\frac{1}{2}$	9 & 10	8-077 * H, R, & K. Rex	1,600.00	1,280.00	320.00
	NW $\frac{1}{2}$	11	8-078 L. & D. Griffore	800.00	640.00	160.00
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	12	8-079 Alvin Griffore	400.00	320.00	80.00
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	12	8-080 Alvin Griffore	400.00	320.00	80.00
	NW $\frac{1}{2}$	13	8-081 J. & R. Demers	700.00	560.00	140.00
	NW $\frac{1}{2}$ ex pt	14	8-082 Chatelaine Farms	450.00	360.00	90.00
2	Pt SE $\frac{1}{2}$ SE $\frac{1}{2}$	11	8-092 * A. & C. Emery	10.00	8.00	2.00
	SE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 11 & 12	96.789	8-093 C. & G. Griffore	760.00	608.00	152.00
	NW 100' of NE 146'		8-094 * D. & S. Carroll	10.00	8.00	2.00
	SE $\frac{1}{2}$ SE $\frac{1}{2}$	12	8-095 A. & Y. Griffore	790.00	632.00	158.00
	NW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 11 & 12	99	8-096 R. & B. Jacques	10.00	8.00	2.00
	Pt. 1 RD 262	12	8-097 George Lozon	390.00	312.00	78.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	13	8-098 Harold Burke	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	13	8-099 H. Ouellette	90.00	72.00	18.00
	Ct pt SE pt SE Rankin Crook	14	8-102 A. & J. Aerts	275.00	220.00	55.00
	SW pt SE pt SE Rankin Creek	15	8-219 * J. M. Moffat Ent.	125.00	100.00	25.00
	Pt NW $\frac{1}{2}$	10	8-218 L. Pinsonneault	1,200.00	960.00	240.00
	All ex lts. & W 16 Ac.	10	8-286 * Dover Township	200.00	160.00	40.00
	NW part	11	8-287 * M. & G. Debie	20.00	16.00	4.00
	SW 145' NE 1302.13 SE 300'	11	8-288 * M. & G. Debie	5.00	4.00	1.00
	SW 50' NE 1157.13 SE 148'	11	8-289 * M. & G. Debie	5.00	4.00	1.00
	SW 50' NE 1107.13 SE 148'	11	8-290 * D. Baumgardner	10.00	8.00	2.00
	SW 100' NE 1057.13' SE 148'	11	8-291 * C. & M. Sauter	5.00	4.00	1.00
	SW 48' NE 957.13' SE 148'	11	8-292 * R. Bechard	5.00	4.00	1.00
	SW 52' NE 909.13' SE 148'	11				

Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
12	SW 150' NE 857.13' SE 148' 11	3/5	8-293 * B. Hubbard	15.00	12.00	3.00
	SW 100' NE 707.13' SE 148' 11	2/5	8-294 * R. & J. Wigchort	10.00	8.00	2.00
	SW 100' NE 607.13' SE 148' 11	2/5	8-295 * J. & A. Carbonneau	10.00	8.00	2.00
	SW 250' NE 507.13' SE 148' 11	1	8-296 * W. & T. Olsen	25.00	20.00	5.00
	SW 100' NE 257.13' SE 148' 11	2/5	8-297 R. Boychuk	10.00	8.00	2.00
	SW 66' NE 157.13' SE 148' 11	.22	8-298 Dover Township	10.00	8.00	2.00
	NW 1/2 ex Park 11	82.44	8-299 L. Pinsonneault	660.00	528.00	132.00
	NE 91.13 pts of NW pt 11 ex RP 419 11	.31	8-300 * M. & J. Carroll	10.00	8.00	2.00
RP 419	SW 297' 1	1.35	8-301 * E. Dunlop Estate	30.00	24.00	6.00
	NE pt 1 & SW 1 & H pt 4	.41	8-302 * Hugh Turner	10.00	8.00	2.00
	Ct pt. H	.45	8-303 * J. & B. Potts	10.00	8.00	2.00
	NE pt. H	1/2	8-304 * M. Urquhart	10.00	8.00	2.00
12	NE cor NW 1/2 NW 1/2 12	.95	8-305 * F. Hellogards	10.00	8.00	2.00
	NW 1/2 NW 1/2 ex pt. 12	48	8-306 L. Pinsonneault	385.00	308.00	77.00
	SE 1/2 NW 1/2 12	50	8-307 E. Dunlop Estate	400.00	320.00	80.00
	SE 1/2 NW 1/2 13	30	8-104 Ross Dunlop	210.00	168.00	42.00
	NW 1/2 NW 1/2 13	40	8-105 O. & V. Burke	280.00	224.00	56.00
13	NW pt NE pt SE 1/2 11	12.607	8-358 Hilliard Allen	100.00	80.00	20.00
	Part 24 R 603 11	.06	8-35801 * Ministry of Environment	10.00	8.00	2.00
RP 419	Lot K ex 24 R 603 K	7.043	8-359 Hilliard Allen	60.00	48.00	12.00
	Pt. J	.71	8-392 * R. & G. Prezocki	20.00	16.00	4.00
	Pt SW 40' NE 193.5 J	.20	8-394 * W. Van Oosten	10.00	8.00	2.00
	Pt SW 80' NE 353.5 J	.40	8-395 * E. & A. McFadden	20.00	16.00	4.00
	Pt. SW 80' NE 273.5' J	.40	8-396 * R. Boychuk	20.00	16.00	4.00
	Pt. SW 80' J	.40	8-397 * H. & E. Brown	20.00	16.00	4.00
RP 235	All Lots 1 & 50	.80	8-406 * Wm. Keller	20.00	16.00	4.00
	All 2	.2	8-407 * H. & B. Lozon	10.00	8.00	2.00



Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment	
RP 235	All	49	.2	8-408 *			
			J. & G. Thompson	10.00	8.00	2.00	
	Lt 3 & NE½		8-409 *				
	Lot 4	4	.30	M. Templeton	15.00	12.00	3.00
	Lt 48 & NE½		8-410 *				
	Lot 47		.30	T. McDonald	15.00	12.00	3.00
	Lts. 5 & 46 & SW pts. Lts. 4 to 47	.60	8-411 *	15.00	12.00	3.00	
	6 & 7	.40	8-412 *	15.00	12.00	3.00	
			N. Miles				
	Lt 45 & NE½	44	.30	8-413 *	15.00	12.00	3.00
		8	1/5	8-414 *			
			W. & N. Knight	10.00	8.00	2.00	
	Lt. 43 & SW pt 44	.30	8-415 *	15.00	12.00	3.00	
			R. & L. King				
	Lts. 9, 10, 41 & 42	4/5	8-416 *	20.00	16.00	4.00	
			L. Dunlop				
	Lts. 11 & 40	.4	8-417 *	15.00	12.00	3.00	
			W. & B. Hembree				
	Lts. 12, 13, 38 & 39	.8	8-418 *	20.00	16.00	4.00	
			C. & C. Burden				
	Lts. 14 to 37	.4	8-419 *	15.00	12.00	3.00	
			P. & N. MacDonald				
	Lts. 15, 16, 35 & 36	.8	8-420 *	20.00	16.00	4.00	
			C. Winter				
	Lts. 18 & 33	.44	8-421 *	15.00	12.00	3.00	
			J. & O. Crawford				
	Lts. 17 & 34	.4	8-422 *	15.00	12.00	3.00	
			E. & M. Simpson				
	Lts. 19, 20, 21, 30, 31, & 32	1.20	8-423 *	25.00	20.00	5.00	
			Richard Walker in Trust				
	Lot 28	.25	8-424 *	10.00	8.00	2.00	
			E. Beausejour				
	Lot 29	.20	8-425 *	10.00	8.00	2.00	
		Mitchells Bay Inn					
Lots 22 & 23	.4	8-426 *	15.00	12.00	3.00		
		R. Bunnett					
Lot 24	.2	8-427 *	10.00	8.00	2.00		
		L. & E. Beausejour					
Lot 27	.2	8-428 *	10.00	8.00	2.00		
		L. & E. Beausejour					
Lots 25 & 26	.4	8-429 *	15.00	12.00	3.00		
		R. Bunnett in Trust					
RP 419	SE 1/3	M	.09	8-430 *			
			R. Bunnett in Trust	10.00	8.00	2.00	
	NW 2/3	M	.18	8-431 *			
			R. Bunnett in Trust	10.00	8.00	2.00	
	Lot G		.35	8-432 *			
			Anglican Church	15.00	12.00	3.00	
	NW pt	G	.10	8-43201 *	10.00	8.00	2.00
			Dover Township				
SW 66'	F	.32	8-433	15.00	12.00	3.00	
		Shirley McDonald					

Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment
RP 419	Ct Pt.	F	.37	8-434 *		
	NE pt	F	.40	D. & B. Lachance	15.00	12.00
	NE pt	D	.42	8-435 *		3.00
				Marie Broadbent	15.00	12.00
				8-436 *		3.00
13	Lots C, B, & A		.60	A. & N. Jarczak	15.00	12.00
				8-437 *		4.00
	Pt NE RP 419	12	.90	A. & R. Lozon	20.00	16.00
				8-438 *		5.00
13	SE $\frac{1}{2}$ ex pts	12	93.574	A. & R. Lozon	25.00	20.00
				8-439		
	SE pt SE $\frac{1}{2}$	12	3	H. & L. Allen	745.00	596.00
				8-440 *		149.00
	SE pt SE $\frac{1}{2}$	12	.35	E. Roberts	40.00	32.00
				8-441 *		8.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	13	25	L. & T. Rankin	15.00	12.00
	NW $\frac{1}{2}$ ex pt.	12	96.5	8-116		3.00
				M. & C. Burke	175.00	140.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	13	49.81	8-123		35.00
				D. Normandin	775.00	620.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	14	10	8-131		155.00
				G. DeMoyer	390.00	312.00
				8-133		78.00
				Walter Mills	70.00	56.00
14	All ex Creek & lots	13	193	8-167		14.00
	SW 1/3 SW $\frac{1}{2}$ ex pt.	14	28.2	Rankin Creek Farms	1,540.00	1,232.00
	NE 104 <sup>1</sup> SW 1/3 SW $\frac{1}{2}$	14	5	8-191		308.00
	NE 2/3 SW $\frac{1}{2}$	14	66.48	Raymond Loyst	225.00	180.00
				8-192		45.00
	NE $\frac{1}{2}$	14	99.719	M. Van Houten	40.00	32.00
				8-193		8.00
				Norm L'Ecuyer	530.00	424.00
	SE $\frac{1}{2}$	15	45	8-194		106.00
				Walter Mills	800.00	640.00
	NW $\frac{1}{2}$	15	98	8-195		160.00
				N. & M. Dewar	315.00	252.00
				8-196		63.00
				B. Lewis	785.00	628.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ & NE $\frac{1}{2}$ SE $\frac{1}{2}$	16	40	9-070		157.00
	SE $\frac{1}{2}$	17	50	W. Lewis	280.00	224.00
				9-071		56.00
				L. Lewis Estate	350.00	280.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW Pt. NE $\frac{1}{2}$ SE $\frac{1}{2}$	18	10	9-072		70.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	16	40	A. & M. Crawford	70.00	56.00
				9-094		14.00
				J. McGrail	280.00	224.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	16	50	9-095		56.00
				W. & J. McGrail	350.00	280.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	17	49.075	9-096		70.00
				W. & J. McGrail	350.00	280.00
	Pt I 24 R 817	17	.93	9-09601 *		70.00
				F. & D. Debruyne	10.00	8.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	17	50	9-097		2.00
				Malcolm Crawford	350.00	280.00

Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment	
14	NW½	18	90	9-098 Malcolm Crawford	630.00	504.00	126.00
	NW pt NW½ NW McLeod Ck. ex SE pt	19	50	9-100 Malcolm Crawford	300.00	240.00	60.00
	Ct pt SE pt NW½ SE Bear Creek	19	2.303	9-101 Malcolm Crawford	15.00	12.00	3.00
	NW pt SE pt NW½ SE Bear Creek	19	8	9-102 J. & V. Crowe	55.00	44.00	11.00
	NE pt NW½ NE Little Bear Creek	20	10	9-10801 C. & M. Crow	70.00	56.00	14.00
BDW		36	70	9-109 D. & K. Rose	490.00	392.00	98.00
BDE		36	75	9-110 John Gordon	530.00	424.00	106.00
14	NW½ NW½ ex Rd.	24	20	9-111 E. Hensel	137.50	110.00	27.50
	SE½ NW½	24	20	9-112 R. Hunter	137.50	110.00	27.50
15	SE½	15	100	9-122 O. Verhaege	800.00	640.00	160.00
	SW½	16	100	9-123 O. Verhaege	800.00	640.00	160.00
	NE½ ex NW pt	16	85	9-124 J. Griffore Est.	680.00	544.00	136.00
	NW pt NE½	16	15	9-125 J. Davidson	120.00	96.00	24.00
	SW pt ex NW pt	17	83	9-126 D. Griffore	665.00	532.00	133.00
	NW pt SW½	17	17	9-127 J. Davidson	135.00	108.00	27.00
	NE½	17	100	9-128 E. Griffore	800.00	640.00	160.00
	SW½	18	100	9-129 D. Dunlop	800.00	640.00	160.00
	NE½ Lot 18	18 & 19	300	9-130 M. Crawford	2,400.00	1,920.00	480.00
	NW 216' NE 130' SE½ S River Ck	20	.4	9-131 * J. & J. Martin	10.00	8.00	2.00
	NE pt ex pts NE Lt. Bear Ck.	20	100	9-132 Carl Roe Est.	800.00	640.00	160.00
	NW pt NW pt NE pt NE L. Bear Ck.	20	16.5	9-134 Oliver Boswell	130.00	104.00	26.00
	Pt. NW pt NE pt NE L. Bear Ck.	20	16.5	9-133 C. Handsor & W. Needham	130.00	104.00	26.00
	SE pt NW pt NE pt L. Bear Creek	20	3	9-135 K. D. Rose	25.00	20.00	5.00
BDW All		37	100	9-141 A, H, M Rose	700.00	560.00	140.00
	SE½ ex pt	38	45	9-142 A, H, B, Rose	315.00	252.00	63.00
	NE pt SE½	38	5	9-143 B. & R. Rose	35.00	28.00	7.00
	NW½	38	50	9-144 K. & D. Rose	350.00	280.00	70.00



Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt. Assessment	$\frac{1}{2}$ Net Assessment	
BDE	NW pt	38	7.79	9-145 L. & G. Handsor	55.00	44.00	11.00
	NW 165' SW 528'			9-146			
	NW pt	38	2	Velma Rose	15.00	12.00	3.00
	SE pt	38	90	9-147 K. & D. Rose	625.00	500.00	125.00
		37	100	9-148 Donald Gordon	700.00	560.00	140.00
15	SE $\frac{1}{2}$	24	25	9-149 J. & M. McGrail	175.00	140.00	35.00
	SW pt ex SE pt SW L Bear Creek	20	54	9-150 M. Crawford	430.00	344.00	86.00
	SE pt SW pt SW L Bear Creek	20	5	9-15001 D.G.R. Crawford	40.00	32.00	8.00
BDW	NW $\frac{1}{2}$	39	50	9-151 Oliver Boswell	400.00	320.00	80.00
	SE $\frac{1}{2}$	39	50	9-152 C. Handsor & W. Needham	400.00	320.00	80.00
BDE	SE pt	39	20.318	9-153 L. & G. Handsor	140.00	112.00	28.00
	NW pt	39	81	9-154 F. & M. Van Boven	565.00	452.00	113.00
15	SW pt NW $\frac{1}{2}$ SW Maxwell Cr.	24	9	9-155 F. Van Boven	65.00	52.00	13.00
	NW $\frac{1}{2}$ ex pt	24	40	9-156 R. & L. Van Damme	250.00	200.00	50.00
16	Pts. Lt. 16 & 17	34.5		9-162 J. Davidson	275.00	220.00	55.00
	NE pt	17	25	9-164 L. & M. Dunlop	200.00	160.00	40.00
	SW $\frac{1}{2}$	18	21	9-165 Lawrence Dunlop	168.00	134.40	33.60
	SW pt NE $\frac{1}{2}$	18	1.5	9-166 Malcolm Crawford	15.00	12.00	3.00
BDW	All ex NW pt NE $\frac{1}{2}$	40	82.5	9-179 G. & M. VandeVelde	660.00	528.00	132.00
	NW pt NE $\frac{1}{2}$	40	17.5	9-180 National Bank of Detroit	140.00	112.00	28.00
BDE	Pt.	41	1.8	9-185 * Norris Dolsen	15.00	12.00	3.00
	Pt.	41	2.076	9-186 * R. Haviland	20.00	16.00	4.00
	All	40	30	9-187 D, M, J, Gordon	210.00	168.00	42.00
17	NW pt	19	46	9-223 G. & E. Courteaux	370.00	296.00	74.00
18	Lot 19 & SW pt 1	55		10-001 G. & E. Courteaux	440.00	352.00	88.00
	NE pt 1, SW pt 2 ex pts.	90		10-002 G. & E. Courteaux	720.00	576.00	144.00
	Pt. Lts. 1 & 2	.55		10-00201 * R. & D. Courteaux	10.00	8.00	2.00
	NE pt Lot 2 & SW Pt. Lot 3	184		10-004 Dover Farms Ltd.	1,470.00	1,176.00	294.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment
18	NE pt	3	71	10-005 E. & B. Rabideau	570.00	456.00	114.00
	All	4	174	10-006 * Libby McNeill & Libby	1,400.00	1,120.00	280.00
	SW pt NW pt SW ½ NW Given Rd. & SW Rabideau Dr. ex.pt. 5	5	5.75	10-008 B. Snobelen et al	45.00	36.00	9.00
	Pt. NE 88' SW 769' SE 100' of SW pt NW pt SW ½ NW Given Rd. 5	5	.25	10-009 G. & H. Franssen	10.00	8.00	2.00
	SW ½ ex SW pts NW pt NW Given Rd. ex pts SE Rd. 5	5	91.75	10-010 G. Rabideau Est.	735.00	588.00	147.00
	SW 132' NE 1232' NW 180' SE Given Road 5	5	.55	10-011 * D. Rabideau	10.00	8.00	2.00
	SW 70' NE 1100' NW 180' SE Given Rd. 5	5	.30	10-012 * D. Rabideau	10.00	8.00	2.00
	SW 61' NE 1030' NW 180' SE Given Rd. 5	5	.27	10-013 * A. & D. Rabideau	10.00	8.00	2.00
	SW 66' NE 964' NW 180' SE Given Rd. 5	5	.27	10-014 * Annie Rabideau	10.00	8.00	2.00
	NE ½ ex pts. 5	5	96	10-015 Geo. Rabideau Est.	770.00	616.00	154.00
	SW 154' NE 484' NE ½ 5	5	6	10-016 * G. Frye Holdings	50.00	40.00	10.00
	NW 330' NE 269' NE ½ 5	5	2	10-017 * D. Carroll	20.00	16.00	4.00
	Township Roads			7-045 * Township of Dover	34,967.00	27,973.60	6,993.40
	County Roads			8-226 * County of Kent	7,538.00	6,030.40	1,507.60
					<u>266,000.00</u>	<u>212,800.00</u>	<u>53,200.00</u>

LANDS:	<u>Publicly Owned</u>	
	iii) Municipal	33,875.00
	<u>Privately Owned</u>	
	i) Not for Agricultural Purposes	16,399.00
	ii) Agricultural	215,726.00
	Estimated Provincial Grant	<u>\$212,800.00</u>

4th. For paying the sum of \$6,775.00, the amount assessed against such roads and lands of the municipality, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the Township of Dover in one year after the passing of this by-law.

5th. This by-law comes into force on the passing thereof, and may be cited as the "1973 Emergency Repair of Various Banks Protecting Low Lying Areas By-law of 1976."

First Reading August 3, 1976.

Second Reading August 3, 1976.

Third Reading \_\_\_\_\_

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
R. W. Gagner, Clerk-Treasurer

\_\_\_\_\_  
James McGrail, Reeve.

#### NOTICE

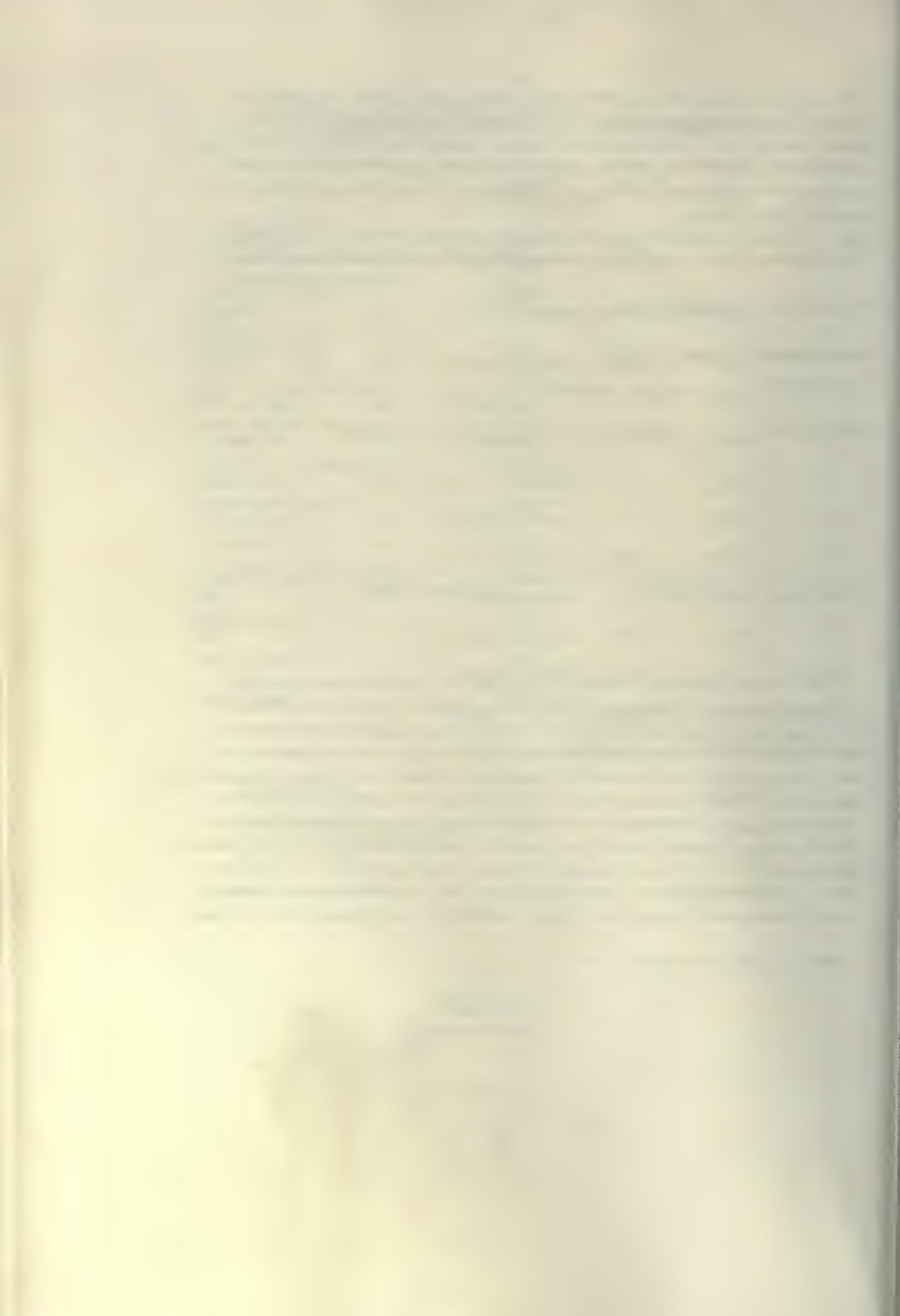
NOTICE is hereby given that the Court of Revision will hold its first sitting at 515 Grand Avenue West, Chatham, on the 20th day of September 1976, at 7:00 o'clock in the evening, for the hearing and trial of complaints and appeals made against the above assessment or any part thereof, in the manner provided for by the Drainage Act, 1962 - 63, a notice of such complaint or appeal to be served on the Clerk of the said Municipality at least ten days before the first sitting of the said Court of Revision.

AND further notice is hereby given that anyone intending to appeal to have the said By-law or any part thereof quashed, must, not later than ten days after the final passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the said Municipality, of his intention to make application for that purpose to the Drainage Referee, during the six weeks ensuing the final passing of this By-law.

Dated this 30th day of August, 1976.

R. W. Gagner,  
Clerk-Treasurer.





1880

...

...

...

...

An Act respecting the  
Township of Dover

---

*1st Reading*

November 9th, 1977

*2nd Reading*

November 25th, 1977

*3rd Reading*

November 25th, 1977

---

MR. MCGUIGAN

---

*Encl. in Rep. by S. H. H.*

**BILL Pr4**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the County of Peterborough**

---

MR. TURNER

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL Pr4

1977

## An Act respecting the County of Peterborough

**W**HEREAS by letters patent under the Great Seal of the Preamble  
Province of Ontario dated the 12th day of May, 1847  
the Council of the District of Colborne was granted certain  
lands in the Town of Peterborough, in the County of Peter-  
borough, in the District of Colborne, for the use of the district  
gaol and court house; and whereas that part of the said lands  
described in clause 4 of the agreement forming part of the  
by-law set forth in the schedule hereto are no longer required  
for the uses and purposes of the gaol and court house of the  
County of Peterborough; and whereas The Corporation of the  
County of Peterborough is desirous of conveying the lands  
described in the said clause 4 free from the trusts or con-  
ditions contained in the said letters patent and hereby applies  
for special legislation to authorize such conveyance; and  
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:

1.—(1) The council of The Corporation of the County of Council  
may pass  
by-law  
authorizing  
conveyance  
Peterborough is hereby authorized to pass By-Law Number  
28-1976, as set forth in the Schedule hereto, to enter into the  
agreement set forth in the schedule to the said by-law and to  
convey the lands described in clause 4 of the said agreement.

(2) That part of Lot 7 north of Brock Street and east Title in  
fee simple  
of Water Street in the City of Peterborough in the County  
of Peterborough, described in the letters patent under the  
Great Seal of the Province of Ontario dated the 12th day of  
May, 1847 and which may be more particularly described as  
Part 4 on a plan deposited in the Land Registry Office for  
the Registry Division of Peterborough (No. 45) as Plan  
45R-2345 is hereby vested in The Corporation of the County  
of Peterborough in fee simple free from any trust or condition  
contained in the said letters patent.

Commence-  
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The County of Peterborough Act, 1977*.

## SCHEDULE

### BY-LAW NUMBER 28-1976

A BY-LAW to authorize an agreement between the Corporation of the City of Peterborough, the Corporation of the County of Peterborough and the Peterborough Hydraulic Power Company Limited

THE CORPORATION OF THE COUNTY OF PETERBOROUGH  
BY THE COUNCIL THEREFORE ENACTS AS FOLLOWS:

1. That the Corporation of the County of Peterborough enter into the agreement with the Corporation of the City of Peterborough and the Peterborough Hydraulic Power Company Limited set forth as a schedule to this by-law and the Warden and Clerk are hereby authorized and directed to sign and affix the seal of the Corporation thereto.

READ A FIRST AND SECOND TIME this 1st day of December, 1976.

GEO. H. GRAHAM,  
*Warden.*

W. D. ARMSTRONG,  
*Clerk.*

READ A THIRD TIME and finally passed this            day of            ,  
1977.

*Warden.*

*Clerk.*

### *Schedule to By-law 28-1976*

THIS AGREEMENT made in triplicate this 1st day of October, A.D., 1976.

BETWEEN:

THE CORPORATION OF THE CITY OF PETERBOROUGH,  
hereinafter called the "CITY" of the FIRST PART,

— and —

THE CORPORATION OF THE COUNTY OF PETERBOROUGH,  
hereinafter called the "COUNTY" of the SECOND PART,

— and —

THE PETERBOROUGH HYDRAULIC POWER COMPANY LIMITED,  
hereinafter called "HYDRAULICS" of the THIRD PART.

WHEREAS the purpose of this agreement is to provide for the connection of the Canadian Pacific Railway (herein called C.P.R.) spur line serving

the Quaker Oats Co. of Canada Ltd. plant in Peterborough from the south and the Canadian National Railway (herein called C.N.R.) spur line serving the said plant from the north in order to permit the removal of that part of the C.N.R. main line from Peterborough to Lakefield between Brock Street and the east end of the Auburn Dam.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration the parties hereto hereby agree as follows:

1. The City will, by by-law, close those parts of Dickson Street, Murray Street and Brock Street shown as Parts 1, 3 and 5 on a plan deposited in the Registry Office for the Registry Division of Peterborough (No. 45) as Plan 45R2345.

2. The City will thereupon convey said Part 1 to the County and said Parts 3 and 5 to Hydraulics without charge.

3. Hydraulics will convey Part 2 on the said plan to the County without charge.

4. The County will convey Part 4 on the said plan to Hydraulics without charge.

5. Hydraulics will permit C.N.R. to construct a single track rail line on the land lying to the east of the east limits of said Parts 2 and 5 to connect the said C.P.R. spur line to the said C.N.R. spur line on terms satisfactory to C.N.R. and C.P.R.

6. This agreement shall not be binding on any of the parties unless and until the City enters into an agreement with C.N.R. to provide for the construction of the rail line referred to in para. 5 and the removal of that part of the main line referred to in the recital.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals duly attested by their proper officers.

THE CORPORATION OF THE CITY OF  
PETERBOROUGH

THE CORPORATION OF THE COUNTY  
OF PETERBOROUGH

THE PETERBOROUGH HYDRAULIC  
POWER COMPANY LIMITED

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*  
CLERK

LEGISLATIVE ASSEMBLY





1018

THE UNIVERSITY OF CHICAGO

1918

An Act respecting  
the County of Peterborough

---

*1st Reading*

November 9th, 1977

*2nd Reading*

December 9th, 1977

*3rd Reading*

December 9th, 1977

---

MR. TURNER

---

*Pauline G. G. Gilson*  
BILL Pr5

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the Village of Port McNicoll**

---

MR. SMITH (Simcoe East)

---





BILL Pr5

1977

## An Act respecting the Village of Port McNicoll

**W**HEREAS The Corporation of the Village of Port McNicoll hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands set forth in the Schedule hereto are hereby vested in The Corporation of the Village of Port McNicoll with an absolute title in fee simple free of and clear from any right, title and interest other than that of the Corporation.

Lands  
vested in  
Village of  
Port  
McNicoll

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. The short title of this Act is *The Village of Port McNicoll Act, 1977*.

Short title

### SCHEDULE

All and singular those certain parcels or tracts of lands and premises situate lying and being in the Village of Port McNicoll, in the County of Simcoe and Province of Ontario and being composed of Lots 243, 258, 308 and 309 according to a Plan registered in the Registry Office for the Registry Division for the County of Simcoe as Plan 544; Lots 773, 774, 973 and 1480 according to a Plan registered in the Registry Office for the Registry Division for the County of Simcoe as Plan Number 569 and Lot 309 according to a Plan registered in the Registry Office for the Registry Division for the County of Simcoe as Plan Number 600.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 1 1977

ASSEMBLY PROROGUED December 16 1977

*Robert J. Lewis*

CLERK  
LEGISLATIVE ASSEMBLY

An Act respecting the  
Village of Port McNicoll

---

*1st Reading*

November 9th, 1977

*2nd Reading*

November 28th, 1977

*3rd Reading*

November 28th, 1977

---

MR. SMITH (Simcoe East)

---

*Pauline G. G. S. Hon*  
BILL Pr8

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Burlington**

---

MR. REED  
Halton-Burlington

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL Pr8

1977

## An Act respecting the City of Burlington

**W**HEREAS The Corporation of the City of Burlington, Preamble  
herein called the Corporation, hereby applies for special  
legislation in respect of the matters hereinafter set forth;  
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1.—(1) The council of the Corporation may pass by-laws Power to  
pass by-laws  
licensing  
paving  
contractors,  
etc.  
for examining, licensing, regulating and governing driveway  
and paving contractors and master installers of driveways  
and pavement, and for revoking such licences or for permitting  
them by reason of licensing by the Association of Professional  
Engineers for Ontario or by reason of membership in the  
Ontario Road Builders Association, to be licensed without  
examination.

(2) The council of the Corporation may pass by-laws Licence  
fees  
providing for an annual fee for a licence issued pursuant to  
subsection 1, which fee shall not exceed \$100.

(3) A by-law passed pursuant to subsection 1 may provide Refusal  
to issue  
licence  
for refusing a licence where the past conduct of the applicant  
or, where the applicant is a corporation, of its officers or  
directors, affords reasonable grounds for belief that the  
applicant will not operate its business in accordance with  
the law.

(4) A licence shall not be refused pursuant to the power Exception  
contained in subsection 3 where the applicant has registered  
as an itinerant seller in accordance with the provisions of  
*The Consumer Protection Act*.

R.S.O. 1970,  
c. 82

(5) Part XXI of *The Municipal Act* applies *mutatis mutandis* Penalties and  
enforcement  
R.S.O. 1970,  
c. 284  
to by-laws passed under this section.

Tax credits  
1973, c. 154

**2.**—(1) The council of the Corporation may pass by-laws permitting a tax credit under *The Municipal Elderly Resident's Assistance Act, 1973* to persons who are members or shareholders of a co-operative corporation incorporated under the laws of Canada or of a province of Canada for the sole purpose of providing residential dwelling units to all members or shareholders thereof.

Idem

(2) A by-law passed pursuant to subsection 1 shall provide that the full amount of the tax credit in each year shall be credited directly to the person or persons in respect of whom it is granted.

Interpre-  
tation

**3.**—(1) In this section,

- (a) "designated fire route" means a fire route so designated by by-law of the Corporation;
- (b) "fire route" means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;
- (c) "park" or "parking" when prohibited means the standing of a vehicle, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) "stop" or "stopping" when prohibited means the halting of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
- (e) "trailer" means a vehicle that is at any time drawn upon a highway by a vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon the highway and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the vehicle by which it is drawn;
- (f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws,

Power to  
pass by-laws  
re fire routes  
R.S.O. 1970,  
c. 284

- (a) regulating and designating fire routes, and, without limiting the generality of the foregoing, the by-laws may include the following:
1. The dimensions, location, construction and maintenance standards of a fire route or of a designated fire route.
  2. The location, the number and the proximity to a building or structure of water hydrants.
  3. Authority to the Building Commissioner of the Corporation to refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection or unless the security referred to in paragraph 4 has been filed.
  4. Provision for the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection.
  5. Provision for the return or release, in whole or in part, of the security referred to in paragraph 4.
  6. Requirements that existing fire routes which do not comply with the provisions of the by-laws passed pursuant to this subsection, comply, and the establishment of a time limit within which the fire routes are required to comply, or where there is a requirement for a fire route to an existing building or structure, that it be constructed within the period established in the by-laws passed pursuant to this subsection;
- (b) diverting, altering or stopping-up, for a period or permanently, designated fire routes;



- (c) regulating and governing traffic on designated fire routes;
- (d) prohibiting the parking or leaving of a vehicle unattended on a designated fire route and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner of the vehicle;
- (e) providing for the erection of signs, including the granting of the right to enter on land to accomplish this, and providing that the effect of the signs shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;
- (f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route and for the erection of signs, and providing for recovery of fees and charges in the event of non-payment in the same manner as a by-law enacted pursuant to *The Municipal Act*;
- (g) authorizing a peace officer or a full-time fire fighter, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to have the vehicle or trailer moved to and stored in another location, and providing that all costs and charges of removal and storage thereof are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,  
c. 284

R.S.O. 1970,  
c. 287

Penalties and  
enforcement

(3) Part XXI of *The Municipal Act* applies to any by-law passed under this section.

Idem

(4) Clause *a* of paragraph 107 of section 354 of *The Municipal Act* applies to penalties provided by any by-law passed under this section.

Vehicle  
driver and  
owner liable  
for penalties

(5) The driver of a vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this section and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

Notice of  
by-law

(6) Before passing a by-law pursuant to subsection 2,

- (a) the council of the Corporation shall cause notice of the proposed by-law to be sent by prepaid mail to every owner and occupant as shown on the last revised assessment rolls whose lands or premises may be prejudicially affected by the proposed by-law;
- (b) the council of the Corporation or a committee of council shall hear in person or by his counsel, solicitor or agent, any person who claims that his lands or premises will be prejudicially affected by the by-law and who applied to be heard within four weeks of the notice being sent; and
- (c) a notice sent under this subsection shall include a statement of the estimated expenses that will be incurred by the owner of the lands on which the fire route is to be designated.

4. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sub>ment</sub>

5. The short title of this Act is *The City of Burlington* Short title Act, 1977.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 25 1977

ASSEMBLY PROROGUED December 16 1977

*Rodney Lewis*

CLERK  
LEGISLATIVE ASSEMBLY

An Act respecting the  
City of Burlington

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 22nd, 1977

*3rd Reading*

November 22nd, 1977

---

MR. REED  
Halton-Burlington

---

*Pauline H. H. H. H.*

**BILL Pr9**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sault Ste. Marie**

---

MR. LANE

---





BILL Pr9

1977

## An Act respecting the City of Sault Ste. Marie

**W**HEREAS The Corporation of the City of Sault Ste. Marie hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The City of Sault Ste. Marie Act, 1957*, being chapter 154, as amended by the Statutes of Ontario, 1967, chapter 127, section 1, is further amended by adding thereto the following subsection:

s. 2.  
amended

(6a) Where a member of the Commission becomes a member of the Council, he ceases to be a member of the Commission but is eligible to be appointed by the mayor under subsection 2.

Council  
members  
not  
eligible

2. *The City of Sault Ste. Marie Act, 1975*, being chapter 110, is amended by adding thereto the following section:

s. 1a.  
enacted

1a. For the purposes of section 1, all specified parcels of land shall be deemed to be subject to the provisions of the parking space requirements of the restricted area by-laws of the municipal corporation in force from time to time under the authority of section 35 of *The Planning Act* notwithstanding that a specified parcel may have been excepted or exempted from the operation of the parking space requirements of the restricted area by-laws of the municipal corporation, either in whole or in part, by specific provisions of such by-laws or by a decision of the Sault Ste. Marie Committee of Adjustment.

Parking  
space  
requirements,  
etc.,  
definedR.S.O. 1970,  
c. 349

3. Notwithstanding the provisions of *The Education Act, 1974*, commencing with the next regular municipal election to be held in 1978, the public and separate school electors in the City of Sault Ste. Marie shall elect eighteen members to The Sault Ste. Marie Board of Education as follows:

Composition  
of Board of  
Education  
1974, c. 109

1. Two members shall be elected for each ward by the public school electors of that ward.
2. One member shall be elected for each ward by the separate school electors of that ward.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The City of Sault Ste. Marie Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

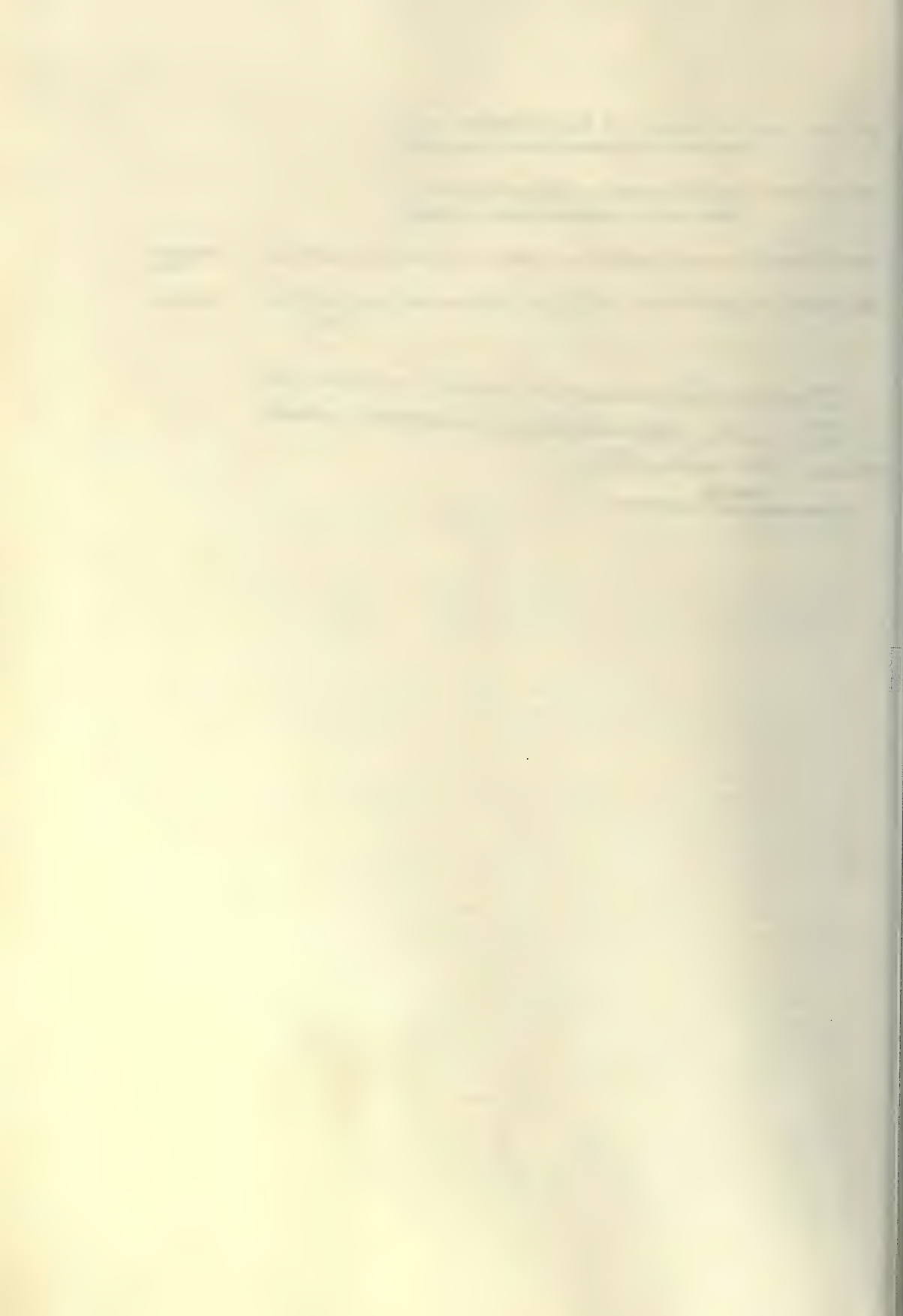
ASSEMBLY PROROGUED December 16 1977

*Robert Lewis*

CLERK  
LEGISLATIVE ASSEMBLY







1861-1862

1861-1862

1861-1862

1861-1862

1861-1862

1861-1862

An Act respecting the  
City of Sault Ste. Marie

---

*1st Reading*

November 9th, 1977

*2nd Reading*

December 15th, 1977

*3rd Reading*

December 15th, 1977

---

MR. LANE

---

*Pauline H. H. H.*

---

---

**BILL Pr10**

---

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

---

**An Act respecting the City of London**

---

MR. WALKER

---





BILL Pr10

1977

## An Act respecting the City of London

**W**HEREAS The Corporation of the City of London <sup>Preamble</sup> hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

<sup>Interpre-  
tation</sup>

- (a) "Corporation" means The Corporation of the City of London;
- (b) "council" means the council of the Corporation;
- (c) "Municipal Board" means the Ontario Municipal Board.

**2.** The affirmative vote of a majority of the members of the council present at a meeting thereof shall be deemed to be a two-thirds vote for the purposes of section 208 of *The Municipal Act*. <sup>Majority of council  
R.S.O. 1970, c. 284</sup>

**3.** Subsection 2 of section 1 of *The City of London Act*, 1973, c. 194, s. 1 (2), being chapter 194, is repealed and the following <sup>re-enacted</sup> substituted therefor:

(2) When the head of the council is absent from the municipality or absent through illness or his office is vacant, the deputy mayor shall act in his place and shall have and may exercise all the rights, powers and authority of the head of council including, where no appointment is made under section 213 of *The Municipal Act*, acting in place of the head of the council on any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act, except the board of commissioners of police. <sup>Powers</sup>

Local  
municipal  
debentures  
authorized  
R.S.O. 1970,  
c. 284

4.—(1) Notwithstanding any provisions of *The Municipal Act* to the contrary, the council may pass by-laws without the assent of the electors for issuing debentures, called "local municipal debentures", the total amount of which shall not exceed 25 per cent of the debentures authorized in each year by the Municipal Board, in such multiples of \$500 and at such times as in the opinion of the council it would be of advantage to so issue them, for any fixed term of years not exceeding five at the expiration of which the principal shall be repaid, but redeemable prior to maturity at the option of the Corporation in the event of the death of any owner thereof, with interest payable annually or semi-annually.

Idem

(2) Every by-law for issuing local municipal debentures shall clearly specify, by recital or otherwise, in respect of what authorizations or portions thereof by the Municipal Board the debentures are being issued.

Idem

(3) A by-law for issuing local municipal debentures need not impose any rate to provide for the payment of debentures issued under it or the interest thereon, but the by-law shall provide that the interest and any amounts of principal payable in each year during the currency of the debentures issued under it shall be provided for in the estimates of each such year.

Effective  
date of  
by-law

(4) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing.

Approval of  
authori-  
zations by  
O.M.B.

(5) A by-law for the issuing of local municipal debentures may be passed before the authorizations by the Municipal Board in respect of which the debentures are being issued have been obtained if such by-law contains a provision to the effect that the by-law shall not take effect until such authorizations have been obtained.

Unsold  
debentures

(6) If any local municipal debentures remain unsold or undisposed of, the council from time to time may set or vary the rate or rates of interest payable on such debentures when sold or disposed of.

Date of  
debenture

(7) Every local municipal debenture shall be dated the first day of the month next following the month in which the debenture is sold or disposed of.

Time for  
issue

(8) The first of such debentures shall be issued within two years and all of them within five years, after the passing of the by-law.



(9) Any local municipal debentures may be registered as to both principal and interest with provision for payment of interest by cheque, or by deposit to the credit of an account in any chartered bank, trust company, savings office or credit union. Registration

(10) A local municipal debenture shall be in Form 1. Form

(11) No local municipal debenture shall be hypothecated by the council to raise money by way of a loan on it. No hypothecation

(12) Where part only of a sum of money provided for by by-law has been raised, the council may repeal the by-law as to the whole or any part of the residue, but the sale or disposition of debentures issued under it are valid and binding according to the terms thereof, and the council may in respect of the residue by the same or another by-law without the assent of the electors provide for issuing debentures payable by a different mode. Repeal

(13) The financial statements of the Corporation in each year during the currency of any local municipal debentures shall include or be accompanied by a statement verified by a statutory declaration in Form 2 of the treasurer of the Corporation of the sums sufficient to pay the interest and any amounts of principal payable in that and subsequent years, for certification and any report thereon by the auditor. Financial statements

(14) The forms hereto are prescribed for use with such variations, not affecting the substance or calculated to mislead, as circumstances require. Forms

(15) Paragraphs 1 and 2 of subsection 13 of section 288 of *The Municipal Act* apply with all necessary modifications to any by-law passed under this section. Application of R.S.O. 1970, c. 284, s. 288

(16) Subsections 2 and 3 of section 326 of *The Municipal Act* apply with all necessary modifications to any debenture issued pursuant to a by-law passed under this section. Idem

(17) This section is repealed on the 31st day of December, 1982. Repeal

5. In addition to any of the powers conferred on the council of any municipality by any general or special Act, the council, in exercising by by-law any of its powers to license, regulate, govern or prohibit, may provide in any such by-law that the court, wherein the information is first laid, and any court of competent jurisdiction thereafter, Restraining orders



may issue an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Local  
improve-  
ments

**6.** The council may by by-law provide that the Corporation shall, and the Corporation is hereby empowered to, assume the owners' portion of the cost of the following works that otherwise would be chargeable against lands for which no private drain connection is or has been constructed as part of the works:

1. Traction Creek Area Lateral Storm Sewers - Phase III (By-law ST.S.-105-31).
2. Wortley Road Trunk Storm Sewers - Phase I (By-law ST.S.-106-32).
3. Manor Park Area Lateral Storm Sewers - Phase II (By-law ST.S.-107-328).
4. McNay Drainage Area Lateral Storm Sewers - Phase V (By-law ST.S.-108-329).
5. Wortley Road Trunk Storm Sewers - Phase II (By-law ST.S.-109-330).

Consolida-  
tion or  
subdivision  
of by-laws

R.S.O. 1970,  
c. 349

**7.—(1)** The council may pass by-laws consolidating or subdividing existing by-laws and such consolidation or subdividing of by-laws may include within them the provisions of any by-law previously passed by the council under section 35 of *The Planning Act* and approved by the Municipal Board.

Effective  
date

**(2)** Every provision of a consolidating or subdividing by-law shall be deemed to have come into force on the day the original by-law came into force and to have been approved by the Municipal Board in all respects as though the approval had been obtained in respect of that provision in the consolidating or subdividing by-law.

London  
Transit  
Commission

**8.—(1)** In this section, "Commission" means The London Transit Commission.

Commission  
continued  
as body  
corporate

**(2)** The London Transportation Commission established by By-law L.T.C.-1-158, passed by the council on the 19th day of May, 1952, is continued as a body corporate under the name of The London Transit Commission with the powers, rights, authorities and privileges vested in it by any general or special Act or otherwise except as provided by this section.

(3) The members of the Commission holding office on the day this subsection comes into force shall hold office until the 31st day of December, 1977. Continuation of present members

(4) On and after the 1st day of January, 1978, the Commission shall be appointed by the council and shall consist of, Composition of the Commission

(a) two members of the council who shall hold office during the term of the council; and

(b) three residents of the municipality who shall hold office for three years, provided that on the first appointment the council from among such residents shall designate one who shall hold office until the 31st day of December, 1978, one of whom shall hold office until the 31st day of December, 1979, and one of whom shall hold office until the 31st day of December, 1980, so that one of such residents shall retire each year.

(5) Members shall be eligible for reappointment.

Reappointment

(6) The Commission is the agent of the Corporation on whose behalf the Commission shall exercise the operation, alteration, repair, control and management of the local transportation system of the municipality. Commission is agent of the Corporation

(7) The Commission and the council shall consult regularly on local transportation system policy and on the general administration and affairs of the Commission in relation to general municipal policy and the administration and affairs of the Corporation. Consultation

(8) If, notwithstanding the consultations provided for in subsection 7, there shall emerge a difference of opinion between the Commission and the council concerning the course of policy to be followed, the council may by resolution give to the Commission a directive concerning the local transportation system policy of the Commission in specific terms and applicable for a specified period, and the Commission shall comply with such directive. Resolution of conflicts

(9) The Commission shall, in each year on or before such time as the council may prescribe, prepare in consultation with the administrative departments of the Corporation and submit to the council for its consideration and approval an estimate of all sums required during the year for the purposes of the Commission. Estimates



Annual  
report

(10) The Commission shall, in each year on or before such time as the council may prescribe, make a report to the council upon the affairs of the Commission and the local transportation system of the municipality.

1931, c. 107,  
s. 9,  
re-enacted

**9.** Section 9 of *The City of London Act, 1931*, being chapter 107, as re-enacted by the Statutes of Ontario, 1956, chapter 108, section 7, is repealed and the following substituted therefor:

Municipal  
golf  
courses

**9.** The Public Utilities Commission of the City of London may from time to time with the consent of the council of the Corporation acquire by purchase, lease or otherwise such land or lands within the City and within ten miles of the City as the Commission may deem necessary or expedient, and may improve and develop the same for use as a municipal golf course or municipal golf courses, and may maintain, manage, operate and control the same from time to time as a municipal golf course or courses.

Penalties  
respecting  
parks  
R.S.O. 1970,  
c. 384

**10.** The Public Utilities Commission of the City of London may pass by-laws providing that every person who contravenes any by-law of the Commission passed under *The Public Parks Act* is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$1,000, exclusive of costs, or to imprisonment for a term of not more than six months, or to both, and is liable to an action at the suit of the Commission to make good any damages caused by him, and such by-laws may be enforced and the penalties thereunder recovered in a like manner as by-laws of municipal councils and the penalties thereunder may be enforced and recovered, and every fine so imposed shall belong to the Commission.

Certain lands  
vested in The  
Consortium  
Group  
Limited

**11.** The lands and premises in the City of London, formerly in the Township of Westminster, in the County of Middlesex, composed of that part of Lot 21 in the Second Concession of the Township designated as Part 1 on a reference plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-2344 are declared to be and to have been at all times since the 28th day of September, 1976, vested in The Consortium Group Limited in fee simple free and clear from all rights, trusts, titles, interests, limitations, restrictions or covenants except the reservations, limitations, provisos and conditions expressed in the original grant from the Crown.

Debentures

**12.—**(1) The council is hereby authorized to pass a by-law, without obtaining the approval of the Municipal Board, authorizing the borrowing of a sum not exceeding \$2,123,000

upon debentures of the Corporation, payable in not more than twenty years, for the purpose of paying part of the cost of construction of the Talbot Square Underground Parking Garage.

(2) Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under subsection 1 and to any debentures to be issued thereunder. Idem  
R.S.O. 1970,  
c. 323

(3) For the purpose of every Act, the Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act*, not subject to section 42 or to petition or appeal under section 94 or 95 of the said Act, authorizing the construction referred to in subsection 1 and authorizing the Corporation to issue debentures thereunder. Deemed  
order

(4) The Corporation may exchange debentures issued under subsection 1 with the holders, or the trustees of the holders, of the Series A First Mortgage Bonds dated as of the 16th day of December, 1974, in the principal amount of \$2,123,000 of Covent Garden Building Incorporated, guaranteed by the Corporation under the authority of an order of the Municipal Board dated the 5th day of March, 1974, (File E 74117) and upon exchange, the proceeds under the mortgage bonds shall be deemed to be proceeds received by a municipality as defined in *The Municipal Affairs Act* for the purposes of subsection 4 of section 2 of *The Mechanics' Lien Act*. Exchange of  
debentures  
  
R.S.O. 1970,  
cc. 118, 267

**13.** Section 5 of *The City of London Act, 1974*, being chapter 148, is amended by adding thereto the following subsection: 1974, c. 148,  
s. 5,  
amended

(11a) The Corporation shall have no obligation to subsidize operating costs of The London Art Gallery Board beyond any annual grants which may be made pursuant to subsection 11. Idem

**14.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**15.** The short title of this Act is *The City of London Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY



## FORM 1

## THE CORPORATION OF THE CITY OF LONDON

## LOCAL MUNICIPAL DEBENTURE

Registered owner	
Debenture number	
Dated	the 1st day of
Principal sum	\$
Maturing	the 1st day of
Annual interest rate	
Interest payment plan	
Interest payment dates	the 1st day of

The Corporation of the City of London (the Corporation) for value received will pay to the registered owner named herein or registered assigns and named in the records of the Corporation the principal sum in lawful money of Canada upon presentation and surrender of this debenture at (*place of payment*) together with interest thereon in like money at the interest rate stated herein. Interest will be paid as it becomes due on the interest payment dates each year until maturity either by cheque or by deposit to the credit of an account in any chartered bank, trust company, savings office or credit union, depending upon the interest payment plan stated herein. This debenture is redeemable prior to maturity at the option of the Corporation in the event of the death of the registered owner or registered assigns, but otherwise is redeemable only at maturity. The Corporation will be liable only for the amount of principal and interest as set out herein.

IN WITNESS WHEREOF the Corporation has caused this debenture to be signed by the Mayor and City Treasurer by facsimiles of their signatures and by an authorized officer and has caused its corporate seal or facsimile thereof to be impressed or imprinted hereon as of the date shown above.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Treasurer

\_\_\_\_\_  
Authorized Officer

## FORM 2

## STATUTORY DECLARATION

I, ....., of the City of London, in the County of Middlesex, Treasurer, make oath and say as follows:

1. I am the Treasurer of The Corporation of the City of London and as such have knowledge of the matters herein deposed to.

2. Annexed and marked Schedule "A" hereto are particulars of all local municipal debentures issued by the Corporation during the year ended the 31st day of December, 19...., including the authorizations or portions thereof by the Ontario Municipal Board in respect of which such debentures were issued, and the interest payable during the year on such debentures.

3. The total amount of local municipal debentures referred to in paragraph 2 hereof did not exceed 25 per cent of the debentures authorized by the Ontario Municipal Board.

4. Annexed and marked Schedule "B" hereto are particulars of all local municipal debentures redeemed by the Corporation during the year referred to in paragraph 2 hereof, including the interest and principal paid therefor.

5. Annexed and marked Schedule "C" hereto are particulars of all local municipal debentures outstanding at the end of the year referred to in paragraph 2 hereof including the amount sufficient to pay the interest when due and the principal at maturity.

SWORN before me at the City

of

in the                      of

this                      day of

19

A Commissioner, etc.

An Act respecting  
the City of London

---

*1st Reading*

October 27th, 1977

*2nd Reading*

December 9th, 1977

*3rd Reading*

December 9th, 1977

---

MR. WALKER

---

*Pauline G. G. S. Hon*  
**BILL Pr11**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Windsor**

---

MR. NEWMAN  
Windsor-Walkerville

---





BILL Pr11

1977

## An Act respecting the City of Windsor

**W**HEREAS The Corporation of the City of Windsor, Preamble  
 herein called the Corporation, hereby applies for special  
 legislation in respect of the matters hereinafter set forth;  
 and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. Subsection 7 of section 4 of *The City of Windsor Act*, 1958,  
 1958, being chapter 166, is amended by striking out "\$300", c. 166, s. 4 (7),  
 in the sixth line and inserting in lieu thereof "\$1,000". amended

2.—(1) The council of the Corporation may pass any Licensing  
 by-law that The Board of Commissioners of Police for the by-laws  
 City of Windsor is authorized to pass under *The Municipal* R.S.O. 1970,  
*Act* or under section 2 of *The City of Windsor Act*, 1972. c. 284,  
1972, c. 204

(2) The council of the Corporation shall appoint a licensing Licensing  
 committee composed of three members of the council who committee  
 shall exercise the power to license any trade, calling, business  
 or occupation authorized by a by-law passed pursuant to this  
 or any other general or special Act.

(3) (a) The licensing committee shall elect a chairman and Chairman  
 the majority of the members shall constitute a and  
 quorum; quorum

(b) The council of the Corporation may provide for the  
 payment of salaries, expenses or allowances for the  
 members of the licensing committee.

(4) The power granted to license any trade, calling, business Powers  
 or occupation or the person carrying on or engaged in it,  
 includes the power to prohibit the carrying on or the engaging  
 in it without a licence and the power, after hearing the

licensee, to suspend or revoke a licence and the power to regulate or govern any trade, calling, business or occupation or the person carrying on or engaging in it.

By-laws

R.S.O. 1970,  
c. 284  
1972, c. 204

(5) Where a by-law has been passed by the council of the Corporation pursuant to this Act, any by-law of The Board of Commissioners of Police for the City of Windsor passed under the same provisions of *The Municipal Act* or under section 2 of *The City of Windsor Act, 1972* has no effect.

Licence  
Commis-  
sioner

(6) Notwithstanding section 3, the council of the Corporation may by by-law appoint a Licence Commissioner who, upon receipt of an application in the prescribed form for a licence or renewal thereof, shall make or cause to be made all investigations required by law or by council relative to such application, and if the investigations disclose any reason to believe that the applicant is not of good character or that the carrying on of the said trade, calling, business or occupation will be likely to result in a breach of the law or be in any way adverse to the public interest, the Licence Commissioner shall recommend to the licensing committee that it not issue or renew the licence.

Appeal  
procedure

(7) The decision of the licensing committee in refusing to issue or renew a licence is subject to an appeal therefrom to the council of the Corporation whose decision is final.

Application  
of  
1971, c. 47

(8) This section is subject to *The Statutory Powers Procedure Act, 1971*.

Interpre-  
tation

**3.—**(1) In this section, “employee” and “retired employee” means an employee and a retired employee as defined in paragraph 64 of section 352 of *The Municipal Act*.

By-laws

(2) The council of the Corporation may pass by-laws for paying the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan which includes any or all of the following benefits,

- (a) semi-private hospital coverage;
- (b) prescription drug coverage;
- (c) dental service coverage,

for the spouses and dependants of deceased employees and retired employees.

Repeal

(3) This section is repealed on the 31st day of December, 1982.

4. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

5. The short title of this Act is *The City of Windsor Act*, Short title 1977.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 14 1977

ASSEMBLY PROROGUED December 14 1977

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY







An Act respecting  
the City of Windsor

---

*1st Reading*

October 27th, 1977

*2nd Reading*

December 9th, 1977

*3rd Reading*

December 9th, 1977

---

MR. NEWMAN  
Windsor-Walkerville

---

*Pauline H. H. H.*  
BILL Pr12

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting Certain Lands  
in the Township of Casgrain**

---

MR. LANE

---





BILL Pr12

1977

## An Act respecting Certain Lands in the Township of Casgrain

**W**HEREAS Zoel Lambert hereby represents that as the Preamble  
owner of certain lands, being part of broken Lot 24,  
in Concession IX of the Township of Casgrain in the Ter-  
ritorial District of Cochrane registered under *The Land* R.S.O. 1970,  
c. 234  
*Titles Act* as Parcel 3276 in the Register for Centre Cochrane,  
he caused to be filed, in the Office of Land Titles at Cochrane,  
on the 17th day of July, 1957, a plan of subdivision of the  
said lands as Plan No. M193 Cochrane; that Block C and  
Block D on the said Plan were dedicated by him as public  
lands and designated on the Plan as "Public Park" and  
"Public Beach" respectively; that by re-entry from Parcel  
3276 Centre Cochrane the said Blocks C and D are entered  
in Parcel 4804 Centre Cochrane as Public Highways; that  
the said Blocks C and D are not required nor suitable for  
public use; that there is alternative and better public access  
to the waters of Lac Ste. Therese on which such Blocks abut  
or to which they are adjacent; that benefit would accrue  
to the adjacent lands and the owners thereof if the said  
Blocks C and D were restored to private ownership; and  
whereas the applicant hereby applies for special legislation  
vesting the said Blocks C and D in him in fee simple, free  
of any public or other right, title and interest; and whereas  
it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:

1. The lands, situate in the Township of Casgrain in the Lands vested  
in  
Zoel Lambert  
Territorial District of Cochrane, and being composed of  
Block C and Block D as shown on a plan, filed in the land  
registry office for The Land Titles Division of Cochrane  
(No. 6) as No. M193 Cochrane, are hereby vested in Zoel  
Lambert of the Township of Casgrain in the District of  
Cochrane, Clergyman, in fee simple, free of any right, title,  
interest or trust.

Filing  
of Act

2. Zoel Lambert shall file a copy of this Act, within sixty days after it comes into force, in the land registry office for The Land Titles Division of Cochrane (No. 6).

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Casgrain Township Lands Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 1977*

ASSEMBLY PROROGUED

*December 16 1977*

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY









An Act respecting Certain Lands  
in the Township of Casgrain

---

*1st Reading*

November 9th, 1977

*2nd Reading*

November 22nd, 1977

*3rd Reading*

November 22nd, 1977

---

MR. LANE

---

*Pauline G. G. G. G.*  
**BILL Pr14**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Ottawa**

---

MR. ROY

---





BILL Pr14

1977

## An Act respecting the City of Ottawa

**W**HEREAS The Corporation of the City of Ottawa, Preamble  
hereinafter called the Corporation, hereby applies for  
special legislation in respect of the matters hereinafter set  
forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:

1.—(1) In this section, “tenant” means a tenant within Interpre-  
tation  
R.S.O. 1970,  
c. 236  
the meaning of *The Landlord and Tenant Act*.

(2) Notwithstanding any general or special Act, the By-law  
authorizing  
payment  
R.S.O. 1970,  
c. 32  
council of the Corporation may pass by-laws authorizing  
and directing the treasurer of the Corporation to make pay-  
ments to tenants of residential real property that is separately  
assessed under *The Assessment Act* in the City of Ottawa  
of a uniform amount to be determined by the council of the  
Corporation in like manner and upon the same terms and  
conditions as if such tenant were an owner of real property  
entitled to a uniform credit against real property taxes under  
*The Municipal Elderly Resident's Assistance Act, 1973*. 1973, c. 154

(3) No payments shall be made pursuant to subsection Exceptions  
2 to,

- (a) tenants residing in premises owned or administered  
by the City of Ottawa Non-Profit Housing Cor-  
poration or by Ontario Housing Corporation or  
any agency of the said Corporations; or
- (b) tenants who are in receipt of direct financial  
assistance for the payment of rent from the Govern-  
ment of Canada, the Province of Ontario or the  
City of Ottawa.

2. Notwithstanding any general or special Act, where Power to  
suspend or  
revoke  
licence  
the council of the Corporation is authorized to pass by-laws

1971, c. 47

for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, the council of the Corporation or a committee thereof, to be known as the Licence Committee, subject to *The Statutory Powers Procedure Act, 1971*, is authorized to suspend or revoke any such licence.

Suspension  
of licences

**3.—**(1) Notwithstanding any general or special Act, where the council of the Corporation is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, the council of the Corporation may by by-law authorize the Chief Licence Inspector of the Corporation to suspend any such licence for such time and subject to such conditions as the by-law may provide.

Idem

(2) No suspension of a licence by the Chief Licence Inspector is effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the Licence Committee of the council of the Corporation after the suspension, whichever occurs first.

Interpre-  
tation

**4.—**(1) In this section, "property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, out-buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

Right of  
entry by  
inspectors  
R.S.O. 1970,  
c. 349  
1966, c. 179

(2) An inspector appointed by the Corporation to enforce by-laws passed under the authority of section 35 of *The Planning Act*, section 8 of *The City of Ottawa Act, 1966* or section 6 of this Act may, at all reasonable times and upon producing proper identification, enter and inspect any property.

Idem

(3) An inspector, when making an inspection permitted by subsection 2, shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*.

R.S.O. 1970,  
c. 450

Interpre-  
tation

(4) In subsection 3, "occupier" means any person or persons over the age of eighteen years in possession of the property.

Council may  
pass by-laws  
requiring  
backfilling  
of  
excavations

**5.—**(1) Notwithstanding the provisions of any other general or special Act, the council of the Corporation may, by by-law, where an excavation has been made in connection with the construction or proposed construction of a building or structure, and where, in the opinion of the council, the



construction work on the project has been substantially suspended or discontinued for a period of more than two and one-half years, require the owner of the land on which there is an excavation to backfill the excavation or cause the backfilling of the excavation.

(2) Section 469 of *The Municipal Act* applies *mutatis mutandis* to any by-law passed under subsection 1.

Enforcing  
performance  
of things,  
etc., under  
R.S.O. 1970,  
c. 284

6.—(1) The council of the Corporation may pass by-laws,

By-laws  
requiring  
cash payment  
to the  
Corporation

- (a) requiring that the owner of a building or structure shall pay an amount in lieu of providing the off-street vehicle accommodation, as relief, to the extent set out in the by-law, from any provision in any other by-law of the Corporation requiring the provision or maintenance of off-street vehicle accommodation on land that is not part of a highway;
- (b) providing for prescribing the amount of the payment referred to in clause *a*; and
- (c) providing that the owner of the building or structure shall be relieved from the requirement and not be permitted to provide the off-street vehicle accommodation referred to in clause *a*.

(2) The payment referred to in subsection 1, shall be set out in an agreement which is subject to the approval of the Ontario Municipal Board.

Agreement

(3) The agreement made pursuant to subsection 2, shall provide for the payment to the Corporation of the sum of money therein set out either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the payment is computed.

Payment in  
a lump  
sum or by  
instalment

(4) All moneys received by the Corporation under an agreement made pursuant to subsection 2, shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustees Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act*.

Reserve  
fund

R.S.O. 1970,  
cc. 470, 284



Auditor's  
report

(5) The auditor of the Corporation in his annual report shall report on the activities and position of any special account established under this section.

Lien on  
lands  
subject to  
agreement

(6) Any agreement made pursuant to subsection 2 containing a description of the lands affected sufficient for registration may be registered in the proper land registry office and, when so registered, the amounts payable under such an agreement until paid shall be a lien upon the lands described therein and may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement, the clerk of the Corporation shall, at the request of the owner of the land or other person entitled under such an agreement, provide a certificate in a form registrable in the proper land registry office on the title of the affected lands, certifying that all moneys due under the agreement have been paid.

Power to  
define  
areas

(7) Any by-law passed under this section may define the area or areas of the City of Ottawa to which the by-law applies.

Enforcement

(8) The provisions of Part XXI of *The Municipal Act* respecting penalties apply *mutatis mutandis* to a by-law passed under this section.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is *The City of Ottawa Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 1 19 77

ASSEMBLY PROROGUED December 16 19 77

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY



An Act respecting  
the City of Ottawa

---

*1st Reading*

November 9th, 1977

*2nd Reading*

November 28th, 1977

*3rd Reading*

November 28th, 1977

---

Mr. Roy

---

*Pauline G. G. S. Hon*  
BILL Pr17

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Kitchener**

---

MR. BREITHAUP

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL Pr17

1977

## An Act respecting the City of Kitchener

**W**HEREAS The Corporation of the City of Kitchener, Preamble  
 herein called the Corporation, hereby applies for special  
 legislation in respect of the matters hereinafter set forth;  
 and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. Section 3 of *The Kitchener-Waterloo Y.M.C.A. and* 1924,  
c. 146, s. 3,  
re-enacted  
*Kitchener Y.W.C.A. Act, 1924*, being chapter 146, is repealed  
 and the following substituted therefor:

3. The buildings, lands, equipment and undertaking Y.W.C.A.  
land exempt  
from  
taxation  
 of the Young Women's Christian Association of  
 Kitchener in the City of Kitchener, so long as the  
 same are occupied by and used for the purposes of  
 the Association, shall be and the same are hereby  
 declared to have been exempt from taxation for the  
 years 1924 to 1977 and to be exempt from taxation  
 hereafter except for garbage taxes and taxes for  
 local improvements.

2.—(1) The Corporation may enter into agreements with Council may  
enter into  
agreements  
respecting  
building  
above or  
beneath  
highways  
 the owners or lessees of land abutting on a highway for the  
 construction, maintenance and use of buildings or parts  
 thereof, over, across or under the highway upon such terms  
 and conditions as may be agreed and for leasing or licensing  
 the use of the air-space over the highway or the lands under  
 the highway to such persons for such consideration and  
 upon such terms and conditions as may be agreed.

(2) Subsection 1 applies only to highways under the juris- Application  
 diction and control of the Corporation.

(3) An agreement made pursuant to section 1 which affects Approval of  
Minister of  
Transporta-  
tion and  
Communica-  
tions  
R.S.O. 1970,  
c. 201  
 a highway or a highway right of way which is a connecting  
 link, within the meaning of section 19 of *The Public Trans-  
 portation and Highway Improvement Act* shall have no effect

until approved by the Minister of Transportation and Communications for the Province.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The City of Kitchener Act*, 1977.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 1977*

ASSEMBLY PROROGUED

*December 16 1977*

*Richard Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY









An Act respecting the  
City of Kitchener

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 22nd, 1977

*3rd Reading*

November 22nd, 1977

---

MR. BREITHAUPF

---

*Pauline G. G. G. G.*

---

**BILL Pr18**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Toronto**

---

**MR. ROTENBERG**

---





BILL Pr18

1977

## An Act respecting the City of Toronto

**W**HEREAS The Corporation of the City of Toronto, herein called Preamble  
the Corporation, hereby applies for special legislation in respect  
of the matters hereinafter set forth; and whereas it is expedient to  
grant the application;

Therefore, Her Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where, by law, the council of the Corporation is required Hearings by  
committee  
authorized  
before doing any act, including the passing of a by-law, or  
the making of any decision to hear interested parties or to  
afford them an opportunity to be heard, the council may  
authorize a committee of council, including the executive  
committee, to conduct the hearing in the place and stead of  
the council and the hearing when so conducted shall be in all  
respects as valid and effectual as if conducted by the council.
2. Notwithstanding any general or special Act, the council of Temporary  
closing  
of highways  
the Corporation may, by by-law, assign to the executive com-  
mittee or such standing committee of council as is named in  
the by-law the authority to allow the use of a highway under a  
permit to be issued by the Commissioner of Public Works of  
the Corporation or such other official as is named in the by-law  
for social, recreational, community or athletic purposes for any  
period not to exceed twenty-four hours upon such conditions,  
including a fee for the permit, as may be set out in the by-law  
and to permit for such period the physical closing of the high-  
way or part of the highway to vehicular traffic provided local  
access for residents and emergency vehicles is maintained.
3. Section 4 of *The City of Toronto Act, 1975 (No. 2)*, being 1975,  
c. 117, s. 4,  
amended  
chapter 117, is amended by renumbering subsections 4, 5 and 6  
as 5, 6 and 7, respectively, and by adding thereto the following  
subsection:

Signs, etc.,  
indicating  
discrimina-  
tion  
prohibited

(4) The council of the Corporation may by by-law prohibit any person from publishing or displaying or causing to be published or displayed or permitting to be published or displayed any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate where the discrimination is prohibited by a by-law passed under subsection 3.

1936,  
c. 84, s. 6,  
amended

- 4.—(1) Section 6 of *The City of Toronto Act, 1936*, being chapter 84, as amended by the Statutes of Ontario, 1941, chapter 81, section 3, 1955, chapter 117, section 4, 1956, chapter 125, section 4, 1960, chapter 170, section 3, 1967, chapter 131, section 6, 1970, chapter 168, section 1, 1971, chapter 130, sections 3 and 4, 1973, chapter 213, section 10, 1974, chapter 161, sections 1 and 5, 1975, chapter 116, section 5 and 1976, chapter 105, section 4, is further amended by adding thereto the following subsection:

Effect of  
inconsistency  
R.S.O. 1970,  
c. 349

(49) Notwithstanding *The Planning Act*, the inconsistency of any provision of this section with any provision of *The Planning Act* governing the same or similar subject-matter does not operate, and shall be deemed never to have operated, to repeal any provision of this section to the extent of such inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency.

1971,  
c. 130, s. 11,  
amended

- (2) Section 11 of *The City of Toronto Act, 1971*, being chapter 130, as amended by the Statutes of Ontario, 1974, chapter 161, section 6 and 1975, chapter 116, section 6, is further amended by adding thereto the following subsection:

Effect of  
inconsistency  
R.S.O. 1970,  
c. 349

(35) Notwithstanding *The Planning Act*, the inconsistency of any provision of this section with any provision of *The Planning Act* governing the same or similar subject-matter does not operate, and shall be deemed never to have operated, to repeal any provision of this section to the extent of such inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency.

1972,  
c. 199, s. 2,  
amended

- (3) Section 2 of *The City of Toronto Act, 1972*, being chapter 199, is amended by adding thereto the following subsection:

Effect of  
inconsistency  
R.S.O. 1970,  
c. 349

(6) Notwithstanding *The Planning Act*, the inconsistency of any provision of this section with any provision of *The Planning Act* governing the same or similar subject-matter does not operate, and shall be deemed never to have operated, to repeal any provision of this section to the extent of such



inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency.

5.—(1) Notwithstanding any general or special Act,

Authority to  
integrate  
steam  
systems

- (a) the Corporation is authorized and empowered to construct a system integrating the steam plants and steam distribution systems owned or operated by Her Majesty in right of Ontario, Toronto Hospitals Steam Corporation, the Toronto Electric Commissioners, The Governing Council of the University of Toronto or by any other body, and in connection therewith to exercise all of the powers set forth in *The Public Utilities Act* to such extent as is necessary to implement the memorandum of intent set forth in the Schedule hereto; and

R.S.O. 1970,  
c. 390

- (b) the Corporation is empowered to enter into agreements with respect to the financing and operation of the system referred to in clause a and may sell, lease or otherwise dispose of any works, material or equipment used for or in connection with the production or distribution of steam and subsection 5 of section 37 of *The Public Utilities Act* shall not apply thereto, provided that the Corporation shall not sell, lease or otherwise dispose of any works, material or equipment heretofore entrusted to the control and management of the Toronto Electric Commissioners without its prior consent.

Power  
respecting  
agreements  
and sale

- (2) Subsection 1 of section 293 of *The Municipal Act* shall not apply so as to require the assent of electors to any by-law authorizing an agreement entered into pursuant to this section.

Assent of  
electors  
dispensed  
with  
R.S.O. 1970,  
c. 284

6. This Act comes into force on the day it receives Royal Assent.

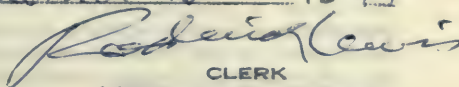
Commence-  
ment

7. The short title of this Act is *The City of Toronto Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977



CLERK  
LEGISLATIVE ASSEMBLY



## SCHEDULE

## MEMORANDUM OF INTENT

Entered into as of the 15th day of November, 1976.

AMONG:

HER MAJESTY THE QUEEN in right of the Province of Ontario, as represented by the Ministry of Government Services (the "Ministry");

— and —

THE CORPORATION OF THE CITY OF TORONTO (the "City");

— and —

TORONTO HOSPITALS STEAM CORPORATION ("HSC");

— and —

TORONTO ELECTRIC COMMISSIONERS ("Toronto Hydro");

— and —

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO, a corporation continued by special Act of the Province of Ontario (the "University").

## PREAMBLE

The parties to this Memorandum of Intent (the "Memorandum") have been involved over the past two years in a discussion of the recommendations pertaining to the integration of the steam plants and distribution systems owned and operated by the Ministry, HSC, Toronto Hydro and the University (hereinafter collectively referred to as "the Participants") in the City of Toronto as set forth in the District Heating Study (the "Study") dated December, 1973. Throughout the course of their deliberations the Participants have considered the benefits that may be derived from integration through the improvement of the environment, the orderly phasing out of the Pearl Street plant of Toronto Hydro, the construction of a new steam plant by or on the direction of the City which will in part be refuse-fired (the "New Plant"), and the ability of an integrated system to conserve and utilize available fuels more effectively than could be done by the Participants operating separately.

In working towards integration the Participants have reviewed the alternatives set forth in the Study and it has been accepted in principle that once the New Plant is on line and refuse is available to fire it throughout the year it would be desirable to use the New Plant as the base plant for the integrated system, at which time a utility would be required to operate the integrated system and all of the steam plants supplying steam to it. The concept of a strong operating utility with qualified management has been expressed as a necessity in the Study and by at least two of the Participants; however, in the initial stages the University has expressed the preference of entering into trading arrangements with the utility.

In reviewing the status of each of the Participants the uniqueness of HSC as a separate corporate steam utility with outstanding contractual arrangements under its Trust Deed dated the 15th of December, 1972 and

with its institutional customers and the Ministry of Health became apparent along with the desire to retain such arrangements in place, if possible.

#### PROPOSAL

1. Based upon the foregoing, it is proposed that HSC be designated as the operating utility and that it proceed to acquire by purchase or lease the distribution systems of Toronto Hydro and the Ministry and that it enter into a trading agreement with the University until such time as the University becomes a full participant. The trading agreement with the University will permit HSC to purchase steam which is excess to the requirements of the University from the University at the University's cost of manufacture plus a small profit element but without including in such costs any provision for debt servicing.

2. Until such time as the constating documents of HSC have been amended to reflect its status as the operating utility a management committee will be established to be composed of nominees of the Participants and the City and such other government bodies or organizations as the Participants may from time to time determine.

3. The cost of integration will be paid for by the City. The construction of the integration of the existing systems will be under the direction of the Commissioner of Public Works who will consult with the management committee and obtain from it such approvals as may be required from time to time.

#### AGREEMENT IN PRINCIPLE

The Participants do hereby express their agreement in principle to the integration of their respective steam systems in the manner referred to above and undertake to work towards the preparation of a definitive integration agreement and protocol.

#### CONDITIONS

Without limiting the right of any Participant to require any additional terms or conditions to be included in the definitive integration agreement or the legislation that will serve to authorize, create and define the "Integrated System" and the rights and obligations of the Participants therein, it is agreed or acknowledged that:

- (1) the Ministry of the Environment has required Toronto Hydro to prepare and implement a program of compliance with respect to the Pearl Street plant and in order to meet the requirements of the City such program will involve the ultimate phasing out of the operations of the Pearl Street plant;
- (2) the hospitals that are the customers of HSC must be assured of a continuance of supply of steam throughout the year and must also be assured of a source of supply that will meet any additional requirements they may have in the future as a result of the expansion or modification of any of their existing facilities;
- (3) all enabling legislation and all required approvals and financial commitments of those Ministries of the Provincial Government, City Council, Metropolitan Council and the Ontario Municipal Board must be obtained; it is further acknowledged by the Participants that the obligation to be assumed by the City under the definitive integration agreement must be authorized by an appropriate statute of the Legislature of the Province of Ontario

and that the Ministry of Health must approve supplemental funding to cover any increase in the cost of steam supplied to user hospitals as a result of integration;

- (4) the economic feasibility
  - (i) of the Integrated System,
  - (ii) the New Plant, and
  - (iii) the unit cost of steam to be distributed through the Integrated System

is to be established to the satisfaction of all Participants after due consideration of the existing and anticipated fuel supplies;

- (5) the City is to be able to provide to the Participants and to the Integrated System assurances or guarantees of financing, completion and performance which are reasonable in the circumstances;
- (6) all ancillary approvals and consents to the use of HSC as the utility must be obtained and on terms and conditions acceptable to HSC and the parties to the Steam Supply Agreement made as of the 15th day of December, 1972 between HSC and the four hospitals named therein;
- (7) suitable arrangements are to be made with respect to the repayment or assumption of the net outstanding debt of the District Steam Utility of Toronto Hydro at the time the distribution system of Toronto Hydro is acquired by HSC;
- (8) arrangements satisfactory to the Participants are to be made for the utilization by HSC or the New Plant of the personnel employed by the Ministry and Toronto Hydro in their respective steam utility systems at the time the distribution system of each of the aforementioned Participants is acquired by purchase or lease by HSC.

\* \* \* \* \*

By signing this Memorandum each of the parties hereto does hereby undertake to use its best efforts consistent with its own interests to perform or obtain compliance with the conditions herein set forth and any other conditions that may arise to the extent that it is within the reasonable capability of such party and will not prejudice any such party by so doing.

In order to facilitate the immediate formation of a management committee each of the parties will provide the chairman of the Integration Committee with the name of its representative on the management committee forthwith after the execution of this Memorandum, and each Participant shall be entitled to representation on the management committee. The management committee shall have power to enlarge its membership by the addition thereto of representatives from other organizations and ministries of the Province and by permitting any entity represented on the management committee to have more than one individual representing it.

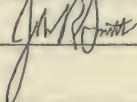


APPROVED AS TO FORM

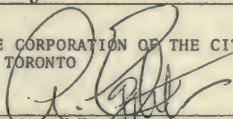
W. L. Bellon

CITY SOLICITOR

HER MAJESTY THE QUEEN in right  
of the Province of Ontario, as  
represented by the Ministry of  
Government Services



THE CORPORATION OF THE CITY  
OF TORONTO



A Member of The Executive Committee

Deputy City Treasurer

Authorized by Report No. 7 (Item 15)

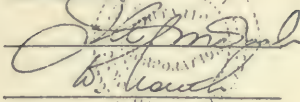
of the Committee on Public Works

adopted in Council on the 14<sup>th</sup>

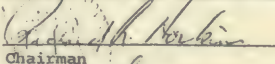
day of FEBRUARY 1977

Ray V. Neudelman  
City Clerk  
8.15.77

TORONTO HOSPITALS STEAM  
CORPORATION



TORONTO ELECTRIC COMMISSIONERS

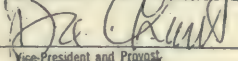


Chairman

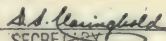
P. F. Whitwell

Secretary

THE GOVERNING COUNCIL OF  
THE UNIVERSITY OF TORONTO



Vice-President and Provost



SECRETARY

10412-49-55

Feb-15-77

R







An Act respecting the  
City of Toronto

---

*1st Reading*

November 9th, 1977

*2nd Reading*

December 9th, 1977

*3rd Reading*

December 9th, 1977

---

MR. ROTENBERG

---

*Pauline G. G. S. Hon*  
BILL Pr19

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting Circle R Boys Ranch**

---

MR. TAYLOR  
Simcoe Centre

---



THE UNIVERSITY OF CHICAGO

LIBRARY



BILL Pr19

1977

## An Act respecting Circle R Boys Ranch

**W**HEREAS Richard Frederick Thompson, hereby represents that Circle R Boys Ranch, a corporation without share capital, was incorporated by letters patent dated the 1st day of May, 1968; that the Minister of Consumer and Commercial Relations by order dated the 4th day of September, 1974 and made under the authority of subsection 9 of section 347 of *The Corporations Act*, cancelled the letters patent of the corporation and declared it to be dissolved on the 9th day of October, 1974; that the notice of default in filing annual returns required by section 347 of *The Corporations Act* was sent to each director of record; that through inadvertence such annual returns were not filed nor fees paid; that the corporation which was incorporated for charitable purposes was at the time of its dissolution and is now carrying out its objects as contained in its letters patent; and whereas the applicant hereby applies for special legislation reviving the corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,  
c. 89

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Circle R Boys Ranch, incorporated by letters patent dated the 1st day of May, 1968 is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Circle R  
Boys Ranch  
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. The short title of this Act is *The Circle R Boys Ranch Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR For 25 19 77

ASSEMBLY PROROGUED December 16 19 77

*Fordey Lewis*  
CLERK

LEGISLATIVE ASSEMBLY

An Act respecting  
Circle R Boys Ranch

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. TAYLOR  
Simcoe Centre

---

*X*  
*1 am. in G. G. S. H.*  
**BILL Pr20**

---

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

---

**An Act respecting the Township of Georgina**

---

**MR. HODGSON**

---





BILL Pr20

1977

## An Act respecting the Township of Georgina

**W**HEREAS by resolution, the municipal council of the Preamble  
municipality of the Township of Georgina resolved to  
examine and redraft the boundaries of the electoral wards in  
the said Township; and whereas by resolution of the said council  
held on the 7th day of July, 1975, the said council by  
by-law No. 676 resolved to redraw the electoral boundaries  
of the said Township; and whereas the said by-law and the  
electoral boundaries thereby created required the approval  
of the Ontario Municipal Board; and whereas the approval  
of the Ontario Municipal Board was not sought or received  
with respect to the said by-law for the said electoral bound-  
aries; and whereas an election was held in the said Township  
on the 6th day of December, 1976 on the assumption that  
the new boundaries were in order; and whereas it is desirable  
that the ward boundaries of the said Township be regularized;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1.—(1) In the event that a court of competent jurisdiction  
declares that an invalid election was held in the Township of  
Georgina or in any ward thereof and orders that a new  
election be held in the said Township or in any ward thereof,  
then for purposes of the new election, the Ontario Municipal  
Board is hereby deemed to have divided the said Township  
into the wards set forth in the Schedule hereto, pursuant to  
subsection 2 of section 13 of *The Municipal Act*.

Division of  
Township of  
Georgina  
into wards  
in event of  
regular  
elections

R.S.O. 1970,  
c. 284

(2) The wards referred to in subsection 1 shall apply to  
elections, as defined in *The Municipal Elections Act, 1972*,  
held in the said Township commencing with the next regular  
election to be held in 1978.

Regular  
elections  
1972, c. 95

2. This Act comes into force on the day it receives Royal  
Assent.

Commence-  
ment

3. The short title of this Act is *The Township of Georgina Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 16 1977

ASSEMBLY PROROGUED

December 16 1977

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY

## SCHEDULE

The area municipality of the Township of Georgina is re-divided into seven wards defined as follows:

### *WARD 1*

BEGINNING at the northeast angle of the intersection of the allowance for road between lots 5 and 6, Concession 6 and the 7th Concession Road of the Township of North Gwillimbury as it existed on the 31st day of December, 1970:

THENCE southerly along the 7th Concession Road of the Township of North Gwillimbury as it existed on the 31st day of December, 1970 to the southerly boundary of the Township;

THENCE westerly along the southerly boundary of the Township to the westerly boundary of the Township;

THENCE north and east along the shore of Cooks Bay to Glenwoods Drive;

THENCE easterly along Glenwoods Drive to Woodbine Avenue;

THENCE northerly along Woodbine Avenue to the allowance for road between lots 5 and 6, Concession 4 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970;

THENCE easterly along the allowance for road between lots 5 and 6, Concession 4, to the 5th Concession Road of the Township of North Gwillimbury as it existed on the 31st day of December, 1970;

THENCE southerly along the 5th Concession Road to the allowance for road between lots 5 and 6, Concession 5 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970;

THENCE easterly along the allowance for road between lots 5 and 6, Concessions 5 and 6 to the point of beginning.

### *WARD 2*

BEGINNING at the northeast angle of the intersection of Baseline Road and the 7th Concession Road of the Township of North Gwillimbury as it existed on the 31st day of December, 1970;

THENCE southerly along the 7th Concession Road to the allowance for road between lots 5 and 6, Concession 6 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970;

THENCE westerly along the allowance for road between lots 5 and 6, Concessions 5 and 6 to the 5th Concession Road of the Township of North Gwillimbury as it existed on the 31st day of December, 1970;

THENCE northerly along the 5th Concession Road to the allowance for road between lots 5 and 6, Concession 4 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970;

THENCE westerly along the allowance for road between lots 5 and 6, Concession 4 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970 to Woodbine Avenue;

THENCE southerly along Woodbine Avenue to Glenwoods Drive;

THENCE westerly along Glenwoods Drive to the westerly boundary of the Township being the east shore of Cooks Bay;

Thence northerly along the east shore of Cooks Bay to Morton Avenue;

Thence easterly along Morton Avenue to Woodbine Avenue;

THENCE northerly along Woodbine Avenue to the Baseline Road;

THENCE easterly along the Baseline Road to the point of beginning.

#### WARD 3

BEGINNING at the northeast angle at the intersection of Boyer's Road and Woodbine Avenue:

THENCE southerly along Woodbine Avenue to Morton Avenue;

THENCE westerly along Morton Avenue to the shore of Cooks Bay;

THENCE northerly along the shore of Cooks Bay to Boyer's Road;

THENCE easterly along Boyer's Road to the place of beginning.

#### WARD 4

BEGINNING at the northeast angle at the intersection of the shore of Lake Simcoe and the line between lots 18 and 19, Concession 9:

THENCE southerly along the said line to the Baseline Road;

THENCE westerly along the Baseline Road to Woodbine Avenue;

THENCE southerly along Woodbine Avenue to Boyer's Road;

THENCE westerly along Boyer's Road to the shore of Lake Simcoe;

THENCE northerly and easterly along the shore of Lake Simcoe to the place of beginning.

This Ward also includes all of Snake Island.

#### WARD 5

BEGINNING at the northeast angle at the intersection of the shore of Lake Simcoe and the line between lots 4 and 5, Concession 8:

THENCE southerly along the said line between lots 4 and 5, Concessions 7 and 8, to Highway No. 48;

THENCE westerly along Highway No. 48 to the boundary line between lots 2 and 3, Concession 7;

THENCE southerly 300 feet more or less to a point;

THENCE westerly along the projection of the line between lots 20 and 21, Concessions 7 and 8 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970 to the westerly boundary of the Township of Georgina;

THENCE continuing westerly along the line between lots 20 and 21, Concessions 7 and 8, of the Township of North Gwillimbury as it existed on the 31st day of December, 1970 to Catering Road;



THENCE northerly along the projection of the line between lots 18 and 19, Concession 9 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970 to the Baseline Road;

THENCE continuing northerly along the line between lots 18 and 19, Concession 9 to the shore of Lake Simcoe;

THENCE northerly and easterly along the shore of Lake Simcoe to the place of beginning.

#### WARD 6

BEGINNING at the northeast angle at the intersection of the allowance for road between Concessions 7 and 8, Township of Georgina and the shore of Lake Simcoe;

THENCE easterly along the said allowance for road to the line between lots 15 and 16, Concession 7, Township of Georgina;

THENCE southerly along the line between lots 15 and 16, Concessions 7, 6 and 5 to the allowance for road between Concessions 4 and 5, Township of Georgina;

THENCE westerly along the said allowance for road to the line between lots 12 and 13, Concession 4;

THENCE southerly along the line between lots 12 and 13, Concessions 4, 3, 2 and 1 to the southerly boundary of the Township of Georgina;

THENCE westerly along the southerly boundary of the Township of Georgina to the boundary line between Concessions 6 and 7 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970;

THENCE northerly along the line between Concessions 6 and 7 to Baseline Road;

THENCE easterly along Baseline Road to the line between lots 18 and 19, Concession 9 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970;

THENCE southerly along the projection of the line between lots 18 and 19, Concession 8 to Catering Road at a point between lots 20 and 21, Concession 7;

THENCE easterly along the projection of the line between lots 20 and 21, Concessions 7 and 8 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970 to the easterly boundary of the Township of Georgina;

THENCE continuing along the projection of the line between lots 20 and 21, Concessions 7 and 8 of the Township of North Gwillimbury as it existed on the 31st day of December, 1970 to Highway No. 48;

THENCE northerly 300 feet more or less to a point;

THENCE easterly along Highway No. 48 to the boundary line between lots 4 and 5, Concession 7, Township of Georgina;

THENCE northerly along the said line between lots 4 and 5, Concessions 7 and 8 to the shore of Lake Simcoe;

THENCE northerly and easterly along the shore of Lake Simcoe to the place of beginning.

This Ward also includes all of Georgina Island.

#### WARD 7

BEGINNING at the northeast angle at the intersection of the shore of Lake Simcoe and the easterly boundary of the Township of Georgina;

THENCE southerly along the easterly boundary of the Township of Georgina to the southerly boundary of the Township;

THENCE westerly along the southerly boundary of the Township of Georgina to the line between lots 12 and 13, Concession 1;

THENCE northerly along the line between lots 12 and 13, Concessions 1, 2, 3 and 4 to the allowance for road between Concessions 4 and 5;

THENCE easterly along the allowance for road between Concessions 4 and 5 to the line between lots 15 and 16, Concession 5;

THENCE northerly along the line between lots 15 and 16, Concessions 5, 6 and 7 to the allowance for road between Concessions 7 and 8;

THENCE westerly along the allowance for road between Concessions 7 and 8 to the shore of Lake Simcoe;

THENCE north and easterly along the shore of Lake Simcoe to the place of beginning.

An Act respecting  
the Township of Georgina

---

*1st Reading*

October 27th, 1977

*2nd Reading*

December 9th, 1977

*3rd Reading*

December 9th, 1977

---

MR. HODGSON

---

*Pauline G. G. H.*  
**BILL Pr21**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting  
Fuller-Austin of Canada Limited**

---

**MR. McCaffrey**

---





BILL Pr21

1977

**An Act respecting  
Fuller-Austin of Canada Limited**

**W**HEREAS Fuller-Austin Insulation Company, herein- Preamble  
after called the Applicant, hereby represents that Fuller-Austin of Canada Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 4th day of June, 1958; that the Minister of Consumer and Commercial Relations by order dated the 3rd day of January, 1973 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 7th day of February, 1973; that the Applicant is the successor to the company which was the beneficial owner of all the outstanding shares of the Corporation at the time of the dissolution of the Corporation; that the Corporation's default in filing annual returns occurred through inadvertence; and that the Corporation at the time of its dissolution was, and now is, actively carrying on the business authorized by its letters patent; and whereas the Applicant has made application for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Fuller-Austin of Canada Limited, incorporated by letters patent dated the 4th day of June, 1958, is hereby revived Fuller-Austin of  
Canada  
Limited  
revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is *The Fuller-Austin of Canada Limited Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25, 77*

ASSEMBLY PROROGUED

*December 16, 1977*

*Federick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY









An Act respecting  
Fuller-Austin of Canada Limited

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. McCAFFREY

---

*Pauline G. G. G. G.*  
BILL Pr22

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the Borough of Etobicoke**

---

MR. LELUK

---





BILL Pr22

1977

## An Act respecting the Borough of Etobicoke

**W**HEREAS The Corporation of the Borough of Etobicoke, <sup>Preamble</sup>  
 herein called the Corporation, hereby applies for special  
 legislation in respect of the matters hereinafter set forth;  
 and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and  
 consent of the Legislative Assembly of the Province of  
 Ontario, enacts as follows:

1. By-laws may be enacted by the council of the Corpora- <sup>Authority</sup>  
 tion to establish a clinic or clinics within the Borough of <sup>to pass</sup>  
 Etobicoke for the spaying or neutering of domestic animals <sup>by-laws</sup>  
 without cost to the owners of such animals, or upon pay- <sup>establishing</sup>  
 ment to the Corporation of such fees as may be established <sup>neutering</sup>  
 by by-law. <sup>clinics</sup>

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
 Assent. <sup>ment</sup>

3. The short title of this Act is *The Borough of Etobicoke* <sup>Short title</sup>  
*Act, 1977.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 25 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Lewis*  
 CLERK  
 LEGISLATIVE ASSEMBLY

An Act respecting the  
Borough of Etobicoke

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. LELUK

---

*Submitted by G. S. How*

**BILL Pr23**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting Matol Holdings Limited**

---

MR. McCaffrey

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL Pr23

1977

## An Act respecting Matol Holdings Limited

**W**HEREAS John P. Tamai, Jennie Favot and Teresa West, hereby represent that Matol Holdings Limited, herein called the Corporation, was incorporated by letters patent dated the 13th day of October, 1964; that the Minister of Consumer and Commercial Relations by order dated the 13th day of June, 1973 and made under the authority of subsection 2 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 18th day of July, 1973; that the applicants were all of the directors and holders of the common shares of the Corporation at the time of its dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution was and is now actively carrying on the businesses authorized by its letters patent; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,  
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Matol Holdings Limited, incorporated by letters patent dated the 13th day of October, 1964, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Matol  
Holdings  
Limited  
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. The short title of this Act is *The Matol Holdings Limited Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 19 77*

ASSEMBLY PROROGUED

*December 16 19 77*  
*Robert Lewis*

CLERK  
LEGISLATIVE ASSEMBLY

An Act respecting  
Matol Holdings Limited

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. MCCAFFREY

---

*Pauline L. G. Gibson*  
BILL Pr24

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting  
Niagara Institute for International Studies**

---

MR. KERRIO

---





BILL Pr24

1977

## An Act respecting Niagara Institute for International Studies

**W**HEREAS Niagara Institute for International Studies hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent dated the 13th day of May, 1971; that the said Institute was founded for the purposes of strengthening leadership within organizations throughout society and for promoting understanding and communication among them; that the said Institute requires the use of lands for occupation by the Institute; that *The Mortmain and Charitable Uses Act* applies to the lands of the said Institute; that it is desirable that the said Institute be relieved from certain effects of the said Act; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,  
c. 280

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Niagara Institute for International Studies shall have and shall be deemed always to have had power to acquire in mortmain by purchase, lease, gift, devise or bequest and to hold, possess and enjoy without limitation as to the period of holding any land or any estate or interest therein, in the Province of Ontario necessary for the actual use and occupation of Niagara Institute for International Studies or for the carrying on of its undertaking, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require.

Power to  
hold land  
in mortmain

2. Land acquired or held by Niagara Institute for International Studies shall be disposed of by it within seven years from the time when the land ceases to be necessary for the actual use and occupation of Niagara Institute for International Studies or for carrying on its undertaking.

Disposition  
of land not  
required for  
purposes of  
Institute

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Niagara Institute for International Studies Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 1977*

ASSEMBLY PROROGUED

*December 16 1977*

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY









An Act respecting  
Niagara Institute for International Studies

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. KERRIO

---

*Taurini C. G. S. Hon*  
**BILL Pr25**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sarnia**

---

MR. BLUNDY

---





BILL Pr25

1977

## An Act respecting the City of Sarnia

**W**HEREAS The Corporation of the City of Sarnia, herein Preamble  
called the Corporation, hereby represents that by By-law  
Number 326 of the Town of Sarnia, enacted pursuant to  
*The Public Parks Act* being chapter 190 of the Revised  
Statutes of Ontario, 1887 and finally passed, with the assent of  
the electors, on the 12th day of November, 1888, the Board  
of Park Management of the Town of Sarnia (now the City  
of Sarnia) was established; that the council of the Corporation  
deems it to be in the best interest of the citizens of the  
City of Sarnia that the functions of the said Board be placed  
under the control of the council of the Corporation as a  
department of the Corporation and that all assets and  
liabilities of the said Board become assets and liabilities of  
the Corporation; and whereas the applicant hereby applies  
for special legislation for such purpose; and whereas it is  
expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1.—(1) The Board of Park Management of the City of Board of  
Park  
Management  
dissolved  
Sarnia, hereinafter called the Board, is dissolved.

(2) Upon the dissolution of the Board, the functions of Functions,  
assets, etc.,  
of Board  
transferred  
to muni-  
cipality  
the Board shall be assumed by the council of the Corporation,  
and all the assets and liabilities of the Board shall become  
assets and liabilities of the Corporation, without compensation.

(3) Upon the dissolution of the Board, the employees Employees  
of Board  
become  
employees of  
municipality  
thereof shall become employees of the Corporation and all  
terms and conditions of employment affecting seniority,  
remuneration and other benefits in force with respect to such  
employees shall be assumed by the Corporation.

2. The council of the Corporation shall be deemed to be Council  
deemed  
committee,  
etc.,  
1974, c. 120  
a recreation committee under *The Ministry of Culture and  
Recreation Act, 1974*, and regulations thereunder, a committee

1974, c. 80 of management of a community recreation centre under *The Community Recreation Centres Act, 1974*, and a board of  
 R.S.O. 1970, c. 384 park management under *The Public Parks Act*.

By-law,  
 repealed

**3.** By-law Number 326 of the Town of Sarnia is repealed.

Commence-  
 ment

**4.** This Act comes into force on the 1st day of January, 1978.

Short title

**5.** The short title of this Act is *The City of Sarnia Act*, 1977.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 1977*

ASSEMBLY PROROGUED

*December 16 1977*

*Robert Lewis*

CLERK  
 LEGISLATIVE ASSEMBLY









An Act respecting the City of Sarnia

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 22nd, 1977

*3rd Reading*

November 22nd, 1977

---

MR. BLUNDY

---

*Pauline G. G. S. H.*

**BILL Pr27**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Windsor**

---

MR. NEWMAN  
Windsor-Walkerville

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL Pr27

1977

## An Act respecting the City of Windsor

**W**HEREAS The Corporation of the City of Windsor, herein called Preamble  
the Corporation, hereby represents that on the 4th day of  
October, 1976, By-law Number 5537 was passed by the council of  
the Corporation for submitting to the electors the question:

“Are you in favour of the election of Aldermen

By ward?

By city-wide vote?”;

and that the said question was submitted to the electors on the  
6th day of December, 1976, and a majority of the electors voted  
in favour of the election of aldermen by ward; and that the council  
is desirous of carrying into effect the wishes of the electors; and  
whereas the Corporation hereby applies for special legislation to  
effect such purpose; and whereas it is expedient to grant the  
application;

Therefore, Her Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The City of Windsor (Amalgamation) Act, 1935*, 1935,  
c. 74, s. 6,  
re-enacted  
as re-enacted by the Statutes of Ontario, 1971, chapter 133,  
section 1, is amended by adding thereto the following sub-  
sections:

(2) Notwithstanding subsection 1 or section 28 of *The Muni-  
cipal Act*, commencing the 1st day of January, 1979, the  
council of the Corporation shall be composed of a mayor,  
elected by general vote, and at least 1 alderman for each  
ward, so providing that each ward shall have equal repre-  
sentation by aldermen. Election of  
aldermen  
by wards  
R.S.O. 1970,  
c. 284

(3) Notwithstanding the provisions of this or any other  
Act, upon the application of the council of the Corporation,  
the Ontario Municipal Board may, by order, vary the com-  
position of the council of the Corporation. O.M.B.  
may vary  
composition  
of council

Division  
into  
polling  
subdivisions  
1972, c. 95

2. Notwithstanding subsection 1 of section 17 of *The Municipal Elections Act, 1972*, the City Clerk shall, for the purposes of the municipal election to be held in 1978, divide the City of Windsor into polling subdivisions, and, not later than the 1st day of June, 1978, inform the assessment commissioner of the boundaries of each subdivision.

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The City of Windsor Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Law*

CLERK  
LEGISLATIVE ASSEMBLY









An Act respecting the  
City of Windsor

---

*1st Reading*

October 27th, 1977

*2nd Reading*

December 9th, 1977

*3rd Reading*

December 9th, 1977

---

MR. NEWMAN  
Windsor-Walkerville

---

*Hamilton by P. P. S. H. H.*  
BILL Pr28

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Hamilton**

---

MR. DEANS

---



THE UNIVERSITY OF CHICAGO  
LIBRARY

THE UNIVERSITY OF CHICAGO

BILL Pr28

1977

## An Act respecting the City of Hamilton

**W**HEREAS The Corporation of the City of Hamilton considers Preamble  
 it desirable to increase the membership of the board of directors  
 of The Hamilton Performing Arts Corporation, Inc. from nine  
 members to thirteen members to be appointed by the council of  
 The Corporation of the City of Hamilton; and whereas the applicant  
 hereby applies for special legislation for such purpose; and whereas  
 it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of  
 the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The City of Hamilton Act, 1972*, being chapter 178, 1972,  
c. 178, s. 3,  
re-enacted  
 as re-enacted by the Statutes of Ontario, 1975, chapter 97,  
 section 3, is repealed and the following substituted therefor:

3. The board shall be comprised of thirteen members of Board of  
directors  
 whom, at least,

- (a) four directors shall be members of council; and
- (b) seven directors shall not be members of council.

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The City of Hamilton Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 25 19 77

ASSEMBLY PROROGUED December 16 19 77

*Robert Lewis*

CLERK  
 LEGISLATIVE ASSEMBLY

An Act respecting the  
City of Hamilton

*1st Reading*

October 27th, 1977

*2nd Reading*

November 25th, 1977

*3rd Reading*

November 25th, 1977

MR. DEANS

*5  
1 am l. in by. by G. S. H. H.*

**BILL Pr29**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the  
Township of East Zorra-Tavistock**

---

MR. EATON

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



1874

1874

...

...

...

...

...

...

BILL Pr29

1977

## An Act respecting the Township of East Zorra-Tavistock

**W**HEREAS The Corporation of the Township of East Zorra-Tavistock, herein called the Corporation, hereby represents that the council of the Corporation passed By-law 27-75 authorizing the construction of a drainage works known as the Innerkip Drainage Works and authorizing the debenturing of certain sums required to pay for the said drainage works and authorizing the Corporation to assess, levy and collect the amount of special rates set forth as a schedule of assessment contained in an engineer's report prepared pursuant to *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, as revised by a Court of Revision, and further revised by His Honour Judge Dick, of the County Court of the County of Oxford; that the council of the Corporation passed the said by-law pursuant to the provisions of *The Drainage Act*, but not in strict compliance therewith; that the said by-law was not amended to carry out the revisions made to the said schedule of assessment by the Court of Revision and by the judge of the County Court; and further that the said by-law contained an error in that it authorized the Corporation to issue debentures instead of The Corporation of the County of Oxford; that the Corporation proceeded to apply to the Ontario Municipal Board to authorize the issuance of the said debentures in the sum of \$120,200 but that the Corporation proceeded with the said drainage works without first obtaining the approval of the Ontario Municipal Board; and whereas the applicant hereby applies for special legislation validating the said by-law, and amending the said by-law; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, *The Drainage Act*, By-law 27-75,  
as amended,  
ratified

1975, c. 79  
R.S.O. 1970,  
c. 323  
1974, c. 57

1975 or section 65 of *The Ontario Municipal Board Act*, and subject to section 91 of *The County of Oxford Act, 1974*, By-law 27-75 of the Corporation, as amended by this Act and set out in Schedule A hereto, finally passed by the council of the Corporation on the 18th day of May, 1977, authorizing construction of the Innerkip Drainage Works and authorizing the issuance of debentures to provide funds otherwise not provided for and providing for the assessment, levy and collection of the special rates set out in the aforesaid engineer's report, as revised by a Court of Revision and further revised by the judge of the County Court of the County of Oxford and set out as Schedule B hereto, is hereby declared to be valid, in full force and effect and binding upon the Corporation and its respective ratepayers in accordance with the provisions thereof.

By-law 27-75,  
amended

2. Section 2 of By-law 27-75 of the Corporation is amended by striking out the expression "may issue debentures of the Corporation" where that expression occurs and inserting in lieu thereof "The Corporation of the County of Oxford may issue debentures on behalf of the Corporation".

R.S.O. 1970,  
c. 323,  
ss. 55, 56 not  
to apply to  
By-law 27-75

3. Sections 55 and 56 of *The Ontario Municipal Board Act* do not apply with respect to By-law 27-75 of the Corporation.

Order of  
O.M.B.  
deemed  
issued

4. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an Order under section 64 of *The Ontario Municipal Board Act* authorizing the construction of the Innerkip Drainage Works referred to in section 1 and authorizing The Corporation of the County of Oxford to issue the debentures mentioned in section 1.

Payment to  
Innerkip  
Ratepayers  
Association  
Inc.

5. Notwithstanding any general or special Act, the Corporation shall pay the sum of \$3,000 to the Innerkip Ratepayers Association Inc.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is *The Township of East Zorra-Tavistock Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY



## SCHEDULE A

## THE CORPORATION OF THE TOWNSHIP OF

EAST ZORRA - TAVISTOCK

COUNTY OF OXFORD

BY-LAW NO. 27-75

## INNERKIP DRAINAGE WORKS

A By-law to provide for a Drainage Work in the Township of East Zorra-Tavistock in the County of Oxford and for borrowing on the credit of the Municipality the sum of

Two hundred and seventy four thousand, six hundred nineteen dollars  
(\$274,619.00)

being the amount necessary for completing the drainage work.

WHEREAS Council has received a petition of the Road Superintendent for improvement of drainage of road allowances in Innerkip

AND WHEREAS Council has appointed an Engineer under Section 53 of the Drainage Act R.S.O. 1970, for the better use of the Hall, Joe Sim, Yeo and Thomas Drains as affecting the Village of Innerkip being the following lands

Con. 16, Pt. Lots 10-13; Con. 17, Pt. Lots 9-14; Reg. Plan 1071, Lots 1-42; Reg. Plan 35, Lots 2-28, 36 & 37; Reg. Plan 241, Lots 1-5; Reg. Plan 80, Lots 1-12; Reg. Plan 111, Lots 1-138 & Block "A"; Reg. Plan 59, Block "A"; Coleman St., Blandford St., Queen St., James St., George St., Main St., Burton St., Vincent St., Day St., Briar Drive, Thames Ave., Balsam St., Stratford St., Cty Rd., #33, Mill St., Con. Rd. 16 & 17, Young St.

AND WHEREAS the Council of the Township of East Zorra-Tavistock procured a report made by Ken A. Smart, P.Eng., 13 Spetz Street, Kitchener, Ontario and the report is as previously circulated;

AND WHEREAS the Council is of the opinion that the drainage of the area is desirable:

THEREFORE the Council of the Township of East Zorra-Tavistock pursuant to the Drainage Act 1970, enacts as follows:

1. The report is hereby adopted and the drainage work as herein indicated and set forth is authorized and shall be completed in accordance therewith.
2. The Corporation of the Township of East Zorra-Tavistock may borrow on the Credit of the Corporation, the sum of:

Two hundred and seventy four thousand, six hundred nineteen dollars  
(274,619.00)

being the funds necessary for the drainage works not otherwise provided for; provided that such sums shall be reduced by the amount of grants & commuted payments with respect to the lands and roads assessed, and may issue debentures of the Corporation to that amount in sums of not less than \$50.00 each, and payable within five (5) years from the date of such debentures with interest at the prevailing rates at the time construction of the drain is completed.

3. The payments shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the parcels or part of parcel, herein mentioned and the amount of total special rates and interest against each parcel or part of parcel respectively shall be divided into five (5) equal parts and one such part shall be assessed, levied and collected as aforesaid in each year for five (5) years, after the passing of this by-law during which the debentures have to run.

4. All sums of money of \$25.00 or under are payable by cash only.

5. That this by-law be printed and a copy mailed to each ratepayer in the watershed.



6. That this by-law comes into force on the final passing thereof, and may be cited as the Innerkip Drainage Works By-law.

READ a first and second time this 28th. day of May, 1975.

READ a third time and finally passed this 13<sup>th</sup> day of May 197<sup>7</sup>.

J.V. Killing, Clerk-Treasurer

Harold VOGT, (Mayor)

#### NOTICE

NOTICE is hereby given that the Drainage COURT OF REVISION will be held in the TOWNSHIP HALL, Hickson, Ontario on Wednesday, June 25th., 1975 at 1:15 p.m. to hear and consider any complaints which may be made under the foregoing by-law over which the said Court has jurisdiction. All appeals to be in writing and be in the Clerk's Office on or before Friday, June 13th., 1975 at 4:30 p.m.

AND further Notice is hereby given that anyone intending to appeal to have the by-law quashed, must not later than ten (10) days after the final passing thereof, serve a notice in writing upon the Clerk of the Municipality of his intention to make application for that purpose to the Referee, during the three months after the final passing of the said by-law.

John V. Killing, Clerk-Treasurer,  
Township of East Zorra-Tavistock,  
Hickson, Ontario

Certified a true copy of By-law #-27-75

*J.V. Killing*

## SCHEDULE B

INNERKIP DRAINAGE WORKSTOWNSHIP OF EAST ZORRA-TAVISTOCK

Engineer's Report,  
amended to reflect revisions of a  
Court of Revision and of His Honour  
Judge Dick, in the County Court of  
the County of Oxford, in a Judgment  
dated the 4th day of November, 1976.

Kitchener, Ontario

February 26, 1975

INNERKIP DRAINAGE WORKSTOWNSHIP OF EAST ZORRA-TAVISTOCK

To the Mayor and Council of  
the Township of East Zorra-Tavistock

Gentlemen:

I am pleased to present my report on the construction of the Innerkip Drainage Works. This drainage works involves the reconstruction, improvement to, consolidation of and/or extension of the Yeo, Thomas, Hall and Joe Sim Drains presently serving parts of the Police Village of Innerkip plus other lands in Lots 9 to 14, Concessions 16 and 17 in the Township of East Zorra-Tavistock. As well new branch drains are involved to better serve the affected lands and roads.

This report was prepared in accordance with instructions received from your Clerk with respect to a motion of the Township Council, said Council being responsible for both the maintenance and reconstruction of existing municipal drains and for obtaining improved road drainage.

The attached plan, profile, and detail Drawings No.'s 1 to 8, Job No. 7367, specifications and the instructions to tenderers form part of this report. They show and describe in detail the location and extent of the work to be done and the lands which are affected.

Very few records exist of the Thomas, Yeo and Hall (and Gillespie Drain -upstream of the Hall Drain) but the drawings numbered 1 and 2 show the approximate locations of same. The Thomas Drain runs generally easterly from near the intersection of Stratford and Blandford Streets within Innerkip to a catch basin on the east side of Queen Street at which point waters being carried by the drain are allowed to find an outlet in the limestone which underlies the majority of the village at a relatively shallow depth. The Yeo Drain commences in Lot 12, Concession 16 and runs generally southerly and easterly to a point in Lot 10, Concession 17 where, similar to the Thomas Drain, the conveyed waters find an outlet in the limestone strata. (The Gillespie Drain commences in the west part of Lot 13, Concession 17 and runs generally south-easterly to an outlet in the Hall Drain in the south-east corner of



Lot 11, Concession 17.) The Joe Sim Drain the most recent of the drainage works serving the affected lands was constructed in 1964 and lies along Young Street from Coleman Street east to east of Queen Street. The Hall Drain runs southeasterly through built up portions of Innerkip, providing an outlet for the Joe Sim Drain near Young Street and continuing on in a southeasterly direction to an outlet in the Thames River.

I have made an examination of the drainage systems in the affected areas and have found many problems either directly or indirectly related to the functioning of the systems. I found that the Hall and Thomas drains were sized to serve primarily rural lands (and at a level of service below that required by recent design) and are not capable of providing the expected drainage outlet for all adjacent and tributary lands. As a result, there are occasions during any year when adjacent lands and roads are submerged with water. Tributary lands to these drains can not get an adequate outlet and as a result some areas remain undrained thereby adversely affecting the performance of sanitary waste disposal systems. Also the performance of the local roads is reduced by the lack of a drainage outlet. Because of the lack of drainage as described and because of the outletting of two drains (Yeo and Thomas) into rock strata potential sources of problems with water supply systems which originate in the limestone are created. Areas that could be developed for residential or other land uses are faced in many cases with either no outlet or else with an undersized outlet traversing the lands that could be developed.

It is therefore my recommendation that a new drainage system for the village of Innerkip and tributary lands be constructed to eliminate or reduce the above problems.

My proposed drainage scheme involves the construction of the following systems. Firstly, I recommend that a new drain, the Young Street and Mill Side Road Branches, be constructed from the point where the Yeo Drain intersects the north limits of the Mill Side Road (Co. Rd. 33), that it run easterly along but north of the north limits of the County Road to an intersection with the Hall Drain, from this point generally following the route of the Hall Drain to Young Street and from here run along the south side of Young Street to an outlet in the Thames River. This drain would provide an improved outlet for the Yeo and Gillespie Drains serving agricultural lands to the north, would provide an outlet for future residential lands north of the Mill Side Road and along Young Street, would create an adequate sized drain through this part of Innerkip to reduce flooding along the path of the existing Hall Drain and



would provide the required outlet for any other existing or proposed drains required to serve existing residential lands including the Joe Sim Drain. The second drainage system I recommend to be constructed commences at the rock outlet of the Yeo Drain (the Balsam, Blandford, Burton Street and James Street Branches) in Lot 10, Concession 17, runs easterly to Burton Street, along Burton Street to Blandford Street (Co.Rd. 4), north along Blandford Street to Balsam Street and east along Balsam Street to an outlet in the Thames River. There would be three extensions to this drain. The first is proposed south along Blandford Street to the corner of George Street, the second, west along Balsam Street from Blandford Street to Coleman Street and then south along Coleman Street to Briar Drive and the third involves a branch to the south along the unopened James Street up to the rock outlet of the Thomas Drain together with a short extension further south on James Street. This drain and extensions thereto would eliminate the emptying of the Yeo and Thomas Drains into the rock, would provide an outlet to residential lands west of Blandford Street presently lacking such, would reduce or eliminate the flooding of lands east of Blandford Street, would relieve and also provide an outlet for the Thomas Drain, would provide an outlet for future residential lands on both sides of Balsam Street, and would provide an improved outlet for the lands of and adjacent to the public school. The remaining system, I recommend, to be constructed, the Main Street Branch, involves a drain along Main Street from the intersection with the unopened James Street easterly to an outlet in the Thames River. This branch will reduce existing outlet problems along Main Street, provide a potential outlet for a small acreage of developable lands immediately adjacent to Main Street and will also serve to intercept shallow ground water movement, affecting lands in the village in this area.

The proposed work, therefore, consists of approximately 17,402 lineal feet of closed drain including approximately 10,942 lineal feet of 10 to 24 inch diameter concrete field tile, 4,275 lineal feet of 24" to 42" concrete sewer pipe and 2,185 lineal feet of 8" to 54" corrugated steel pipe and 56 concrete catch basins, manholes and junction boxes.

In accordance with Section 8 of the Drainage Act, R.S.O., 1970, I determine the allowances payable to owners entitled thereto as follows:

R.P. or CON.	LOT	OWNER	ALLOWANCE FOR LANDS AND CROPS
<u>Young Street &amp; Mill Side Road Branches</u>			
17	Pt 10	T. Thompson	\$ 290.00
R.P. 111	Pt 93	C. Dykstra	\$ 40.00

R.P. or CON	LOT	OWNER	ALLOWANCES FOR LANDS AND CROPS
17	Pt 10	J. & J. Thompson	\$ 105.00
R.P. 111	Lts 94 - 96	R. & J. Eaton	\$ 970.00
R.P. 111	97	N. Brooks	\$ 115.00
R.P. III	82, 83, 91	T. McIntyre	\$ 530.00
R.P. III	37	W. & J. Lenhardt	\$ 250.00
R.P. III	35 & 36	M. Racz	\$ 870.00
R.P. III	Pt 25	H. Caldecott	\$ 40.00
R.P. III	26	Lena Brown	\$ 820.00
R.P. 35	Pts 36 & 37	Knechtel Milling Co.	\$ 460.00
17	PtSpt 11	J. & L. Matika	\$ 2,890.00

Balsam Street Branch

17 &			
R.P. III	Pt 10 & 135	J. & J. Jonker	\$ 670.00
R.P. III	130, 134	C. Matheson	\$ 190.00
R.P. III	103, 104	H. Matheson	\$ 100.00
R.P. III	75	B. & J. McIntyre	\$ 50.00
R.P. III	129, 137	C. Matheson	\$ 150.00
R.P. III	105, 106	H. Matheson	\$ 100.00

Main Street Branch

17	Pt 10	J. & J. Jonker	\$ 235.00
----	-------	----------------	-----------

Burton Street Branch

17	PtWPt 10	Francis Yeo Est.	\$ 1,150.00
----	----------	------------------	-------------

James Street Branches

R.P. III	62-64 115-117 Pts 121, 122-124 & 126	C. Matheson	\$ 85.00
R.P. III	70, 109-114 127-129 136 & 137	C. Matheson	\$ 1,030.00
R.P. III	65	R. & V. Hilderley	\$ 60.00
Total Allowances			<u>\$11,200.00</u>

Total Allowances under Section 8 of the Drainage

Act, R.S.O., 1970 \$ 11,200.00

I have made an estimate of the cost of the proposed work which is outlined in detail as follows:

LABOUR AND EQUIPMENT

1) Balsam Street Branch

Construction of 20 Gabion Baskets (6' X 3' X 3' each) including baskets, stone and installation	\$ 1,500.00
Installation of 2 - 30" steel pipe culverts with gates at tile outlets	\$ 250.00
Installation of 2,160 feet of 24" concrete field tile by tiling machine	\$ 5,400.00
Installation of 172 feet of 24" corrugated steel pipe	\$ 1,200.00
Installation of 338 feet of 36" concrete sewer pipe (no gaskets)	\$ 4,200.00
Installation of 54 feet of 21" corrugated steel pipe	\$ 200.00
Installation of 297 feet of 21" concrete field tile by tiling machine	760.00
Installation of 45 feet of 21", 60 feet of 18" and 60 feet of 15" corrugated steel pipe across roadways	\$ 880.00
Installation of 64 feet of 18" concrete field tile by tiling machine	\$ 225.00
Installation of 260 feet of 16" concrete field tile by tiling machine	\$ 495.00
Construction of 7 - 3' X 4' concrete catch basins with welded grates and concrete aprons	\$ 2,100.00
Construction of 2 - 6' X 6' concrete catch basins with cast iron grates	\$ 2,000.00
Construction of 2 - 2' X 2' concrete catch basins with welded grates and concrete aprons	\$ 400.00
Construction of 3 - 2' X 2' concrete catch basins with cast iron grates and concrete aprons	\$ 900.00
Installation of 15 feet of 8" corrugated steel pipe as catch basin leads	\$ 110.00
Stripping and replacing topsoil and trenching for tiling machine along Balsam Street East and Coleman Street	\$ 750.00



Seeding grassed areas	\$ 300.00
Asphalt removal and disposal	\$ 150.00
Supply and placement of approximately 850 cu. yd. of gravel	\$ 3,000.00
Paving of existing asphalt lane	\$ 300.00
Establishment and operation of detour	\$ 150.00

ii) Blandford Street Branch

Installation of 152 feet of 30" concrete sewer pipe (no gaskets)	\$ 1,800.00
Installation of 1,154 feet of 27" concrete sewer pipe (no gaskets)	\$ 11,480.00
Installation of 298 feet of 24" concrete sewer pipe (no gaskets)	\$ 3,000.00
Installation of 676 feet of 8" corrugated steel pipe (perforated) (by tiling machine)	\$ 1,250.00
Construction of 5 - 60" dia. precast concrete catch basins with cast iron grates	\$ 4,500.00
Construction of 3 - 2' X 2' concrete catch basins ditch inlet type with welded grates, one to have a concrete apron	\$ 700.00
Construction of 2 - 2' X 2' concrete catch basins with cast iron grates	\$ 700.00
Installation of 5 feet of 10", 22 feet of 12", 22 feet of 12" and 35 feet of 12" corrugated steel pipe as catch basin leads	\$ 340.00
Removal and disposal of existing asphalt pavement	\$ 1,500.00
Sidewalk reconstruction	\$ 300.00
Supply and placement of approximately 1,700 cu. yd. of gravel	\$ 6,000.00
Establishment and operation of detour	\$ 300.00

iii) Burton Street Branch

Installation of 409 feet of 10" corrugated steel pipe by tiling machine (perforated)	\$ 820.00
Installation of 1,180 feet of 10" farm tile by tiling machine	\$ 1,770.00
Construction of 1 - 2' X 2' concrete catch basin with welded grate	



1 - 2' X 2' concrete catch basin with cast iron grate	
and 1 - 2' X 2' concrete catch basin ditch inlet type with sacked concrete rip-rap protection	\$ 800.00
Trenching for tiling machine	\$ 100.00
Paving of existing asphalt lane	\$ 300.00
Regrading of eroded areas	\$ 100.00
Supply and placement of 100 cu. yd. of gravel	\$ 350.00

iv) James Street Branches: Deleted by decision of His Honour Judge Dick.

v) Main Street Branch

Construction of 9 Gabion Baskets (6' X 3' X 1.5' each) including baskets, stone and installation	\$ 800.00
Installation of 168 feet of 18" corrugated steel pipe with gate	\$ 1,000.00
Installation of 626 feet of 18" concrete field tile by tiling machine wrapped in fiberglass	\$ 1,565.00
Installation of 44 feet of 18" corrugated steel pipe	\$ 350.00
Installation of 384 feet of 16" concrete field tile by tiling machine wrapped in fibreglass	\$ 960.00
Construction of 1 - 2' X 2' concrete catch basin with welded grate	\$ 200.00
Construction of 8 - 2' X 2' concrete catch basins ditch inlet type with welded grates	\$ 2,000.00
Construction of 3 - 2' X 2' concrete junction boxes	\$ 450.00
Installation of 45 feet of 10" and 30 feet of 8" corrugated steel pipe as catch basin leads	\$ 550.00
Excavating edge of road and disposing of materials	\$ 1,000.00
Stripping and replacing sods and topsoil on bank at outlet	\$ 200.00
Supply and placement of 400 cu. yds. of gravel	\$ 1,600.00
Establishment and operation of detour	\$ 150.00

vi) Young Street Branch

Construction of 10 Gabion Baskets (6' X 3' X 2' each) and 5 Gabion Baskets (6' X 3' X 3' each) including baskets, stone and installation	\$ 1,000.00
Installation of 20 feet of 54" corrugated steel pipe with grills	\$ 400.00
Installation of 2,333 feet of 42" concrete sewer pipe with rubber gaskets including 384 feet of radius pipe	\$ 24,670.00
Construction of 6 - 6' X 6' concrete catch basins (4 with ditch inlet lifts and welded grates, 3 with cast iron grates and 1 with vertical grate)	\$ 8,200.00
Construction of 2 - 2' X 2' concrete catch basins ditch inlet type with concrete aprons	\$ 500.00
Installation of 5 feet of 10", 15 feet of 18", 70 feet of 12", 50 feet of 8", 20 feet of 12" and 20 feet of 8" corrugated steel pipe as catch basin leads and drain connections	\$ 500.00
Construction of 60 bags ( 1 cu. ft. each) of sacked concrete rip-rap at drain outlet	\$ 120.00
Stripping and replacing sods and topsoil along bank at outlet	\$ 300.00
Temporary relocating and replanting of small trees	\$ 400.00
Sodding (with commercial nursery sods) existing lawn areas (private lands only)	\$ 2,700.00
Stripping and/or replacing topsoil	\$ 1,000.00
Clearing and grubbing including removal from site	\$ 200.00
Fence construction	\$ 400.00
Reconstruction of concrete sidewalk	\$ 50.00
Filling of existing ditches and regrading of lands as noted	\$ 200.00
Asphalt removal and disposal	\$ 150.00
Removal of existing laneway culvert	\$ 50.00
Supply and placement of 1,000 cu. yd. of gravel	\$ 3,500.00
Establishment and operation of detour	\$ 150.00

vii) Mill Side Road Branch

Stripping and replacing topsoil	\$ 1,500.00
Excavation of 4,000 cu. yd. of existing ground stockpiling and replacement above completed drain	\$ 3,000.00
Installation of 2,350 feet of 24" concrete field tile by tiling machine	\$ 6,815.00
Installation of 2,270 feet of 21" concrete field tile by tiling machine	\$ 5,675.00
Construction of 2 - 3' X 4' concrete catch basins with concrete apron and welded grates	\$ 600.00
Construction of 2 - 2' X 2' concrete catch basins ditch inlet type with welded grates	\$ 650.00
Construction of 1 - 3' X 6' concrete catch basin	\$ 1,000.00
Installation of 10 feet of 10", 28 feet of 21", and 17 feet of 18" corrugated steel pipe as catch basin leads	\$ 225.00
Installation of 20 feet of 18" tile as catch basin lead	\$ 40.00
Clearing	\$ 50.00

Sub-total Labour and Equipment

\$136,250.00

## i) Concrete Field Tile

Supply of the following:

4,510 feet of 24" tile	
2,567 feet of 21" tile	
1,150 feet of 18" tile	
644 feet of 16" tile	
397 feet of 12" tile	
1,674 feet of 10" tile	\$ 26,914.00

## ii) Concrete Sewer Pipe

Supply of the following pipe:

1,949 feet of 42" concrete pipe(III R.C.)  
including 1 elbow section and 1 tee section  
15" X 42"

384 feet of 42" concrete pipe(III R.G.)  
radius pipe (296 feet 55' radius, 88 feet  
100' radius)

338 feet of 36" concrete pipe III M.J.	
152 feet of 30" concrete pipe III M.J.	
1,154 feet of 27" concrete pipe III M.J.	
298 feet of 24" concrete pipe II M.J.	\$ 63,170.00



## iii) Corrugated Steel Pipe

Supply of the following pipe:

20 feet of 54" corrugated steel pipe, 12 Ga.

2 - 30 foot lengths of 30" corrugated steel pipe, 14 Ga. with rodent gates

172 feet of 24" corrugated steel pipe, 14 Ga.

1 - 30 foot length of 21" corrugated steel pipe, 16 Ga.

1 - 24 foot length of 21" corrugated steel pipe, 16 Ga.

1 - 45 foot length of 21" corrugated steel pipe, 16 Ga.

1 - 28 foot length of 21" corrugated steel pipe, 16 Ga.

1 - 60 foot length of 18" corrugated steel pipe, 16 Ga.

168 feet of 18" corrugated steel pipe with rodent gate

1 - 24 foot length of 18" corrugated steel pipe, 16 Ga.

1 - 27 foot length of 18" corrugated steel pipe, 16 Ga.

1 - 17 foot length of 18" corrugated steel pipe, 16 Ga.

1 - 15 foot length of 18" corrugated steel pipe, 16 Ga.

60 feet of 15" corrugated steel pipe 16 Ga.

1 - 22 foot length of 12" corrugated steel pipe, 16 Ga.

1 - 35 foot length of 12" corrugated steel pipe, 16 Ga.

1 - 22 foot length of 12" corrugated steel pipe, 16 Ga.

1 - 20 foot length of 12" corrugated steel pipe, 16 Ga.

70 feet of 12" corrugated steel pipe, 16 Ga.

409 feet of 10" corrugated steel pipe, 16 Ga. perforated and asphalt coated

2 - 5 foot lengths of 10" corrugated steel pipe, 16 Ga.

1 - 10 foot length of 10" corrugated steel pipe, 16 Ga.

1 - 30 foot length of 10" corrugated steel pipe, 16 Ga.



1 - 15 foot length of 10" corrugated steel  
pipe, 16 Ga.

1 - 5 foot length of 8" corrugated steel  
pipe, 16 Ga.

2 - 10 foot lengths of 8" corrugated steel  
pipe, 16 Ga.

2 - 6 foot lengths of 8" corrugated steel  
pipe, 16 Ga.

1 - 16 foot length of 8" corrugated steel  
pipe, 16 Ga.

1 - 20 foot length of 8" corrugated steel  
pipe, 16 Ga.

50 feet of 8" corrugated steel pipe, 16 Ga.

676 feet of 8" corrugated steel pipe, 16 Ga.

perforated and asphalt coated \$ 7,590.00

Sub-total Materials \$ 97,674.00

Allowances under Section 8 of the Drainage Act,

R.S.O., 1970 \$ 11,200.00

Survey, Plan, and Report \$ 8,530.00

Assistance and Expenses \$ 3,645.00

Clerk's Fees \$ 2,000.00

By-laws \$ 1,600.00

Contingencies \$ 5,720.00

Supervision & Final Inspection \$ 8,000.00

Total Estimated Cost \$274,619.00

Repairs or improvements rendered necessary to any road culvert or bridge by the performance of this work shall be made by and at the expense of the road authority responsible for the structure.

After completion, this drain shall be maintained by the Township of East Zorra-Tavistock at the expense of all lands and roads assessed in the schedule of assessment and in the same relative proportions, until such time as the assessment is changed under the Drainage Act, R.S.O., 1970.

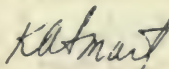
The existing Hall, Yeo (south of the county road) and Thomas Drains shall hereafter be considered as private drains and the maintenance of such shall be at the discretion of the affected landowner.

The existing Joe Sim Drain is herein incorporated as part of the Innerkip Drainage Works, thereby consolidating the remaining drainage works in the built up portion of Innerkip with this proposed works. In accordance with section 15(2) of the Drainage Act, R.S.O., 1970. I have made an allowance in the assessments to the owners of lands affected by the Joe Sim Drain for their prior outlet assessment of that drainage works. The future maintenance of the Joe Sim Drain shall be at the expense of all lands and roads assessed in the schedule of assessment herein and in the same relative proportions until such time as the assessment is changed under the Drainage Act, R.S.O. 1970.

Should additional and future drainage works, constructed under the Drainage Act, R.S.O., 1970, be required along any lands or roads in the built-up portions including all lands covered by a registered plan of the village of Innerkip if defined to be in the watershed of this report, I recommend that all lands assessed in the schedule of assessment to this report except for lands considered to be agriculture at the time of the future report be assessed for the costs of such further works except for special assessments for benefit to the affected lands and roads in the new report (s). Any outlet assessment against an affected local road (s) shall be distributed amongst all local roads assessed herein (excluding county roads).

It shall be the full responsibility of any affected owner to relocate or replant any legal survey bars affected by the construction of this drainage works. If requested, the engineer will reference any bar that he is made aware of, prior to construction, to possibly facilitate the owners replanting of same.

Respectfully submitted,



K. A. Smart, P. Eng.

KAS:cjn

SCHEDULE OF ASSESSMENT  
INNERKIP DRAINAGE WORKS  
TOWNSHIP OF EAST ZORRA-TAVISTOCK

AS PRO-RATED  
TO REFLECT  
REVISIONS MADE  
BY THE COURT  
OF REVISION AND  
BY THE COUNTY  
COURT

Job No. 7367		February 26, 1975					OF REVISION AND BY THE COUNTY COURT
CON. or	APPROX. ACRES			BENEFIT	OUTLET	TOTAL	
R.P. NO.	LOT	AFFECTED	OWNER				
*16	N1/2 10	1.0	Mac Ross		\$ 45.00	\$ 45.00	45.27
16	PtEPt 11	0.5	E. & S. Bond		\$ 45.00	\$ 45.00	45.27
16	PtEPt 11	0.5	R. & G. Breen		\$ 45.00	\$ 45.00	45.27
16	PtEPt 11	1.5	V. & R. Jeanson		\$ 135.00	\$ 135.00	135.82
*16	E1/2						
	E1/2 11	23.0	Francis Yeo Est.		\$ 1,035.00	\$ 1,035.00	1,041.31
*16	SEPt 12	14.0	E. Tayler		\$ 630.00	\$ 630.00	633.84
*16	NE1/4 12	15.0	A. Werkema		\$ 675.00	\$ 675.00	679.11
*16	SE1/4 13	13.0	J. Pelton		\$ 585.00	\$ 585.00	588.57
*16	NE1/4 13	1.0	W. Vant Klaphek		\$ 45.00	\$ 45.00	45.27
*17	WPt 10	46.0	Francis Yeo Est.	\$ 2,120.00	\$ 2,226.00	\$ 4,346.00	4,372.52
*17	PtNPt E		J. & L.				
	PtSPt 11	87.0	Matika	\$23,710.00	\$ 6,368.00	\$30,078.00	30,261.51
*17	NEPt 11	36.0	J. & E. Vink		\$ 1,620.00	\$ 1,620.00	1,629.88
*17	Sl/2 12	55.0	Wm. Chesney & Sons		\$ 2,475.00	\$ 2,475.00	2,490.10
*17	N1/2 12	60.0	V. Turkington		\$ 2,700.00	\$ 2,700.00	2,716.47
*17	W1/2 13	67.0	J. Yeo		\$ 3,015.00	\$ 3,015.00	3,033.40
17	PtW1/2 13	0.25	J. Yeo		\$ 23.00	\$ 23.00	23.15
*17	W1/2 14	11.0	Harold Smith		\$ 495.00	\$ 495.00	498.02

Village of Innerkip

Coleman Street W/S

			C. & B.					
17	Pt 10	0.35	Miller	\$	280.00	\$ 71.00	\$ 351.00	353.14
17	Pt 10	0.35	June Goff	\$	280.00	\$ 71.00	\$ 351.00	353.14
R.P.								
1071	42	5.5	Oxford Cty. Board of Education	\$	820.00	\$ 359.00	\$ 1,179.00	1,186.19

Coleman Street E/S

R.P.	35	5	0.25 S. Harwood	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P.	35	6	0.25 E. Hagon, Est.	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P.	35	7	0.25 C. & J. Varsteeg	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P.	35	8	0.25 C. Hagon	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.F.	35	9 & 10	0.50 United Church of Canada	\$	280.00	\$ 101.00	\$ 381.00	383.32
R.P.	35	WPt 11	0.15 T. Siemiernik	\$	280.00	\$ 30.00	\$ 310.00	311.89
R.P.	35	12	0.25 J. Jacques	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P.	35	13	0.25 I. Moyer	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P.	35	14	0.25 M. Hilderley	\$	290.00	\$ 51.00	\$ 331.00	333.02
R.P.	35	15 & 16	0.50 Bell Canada	\$	280.00	\$ 101.00	\$ 381.00	333.02
R.P.	35	WPts 17, 18, 19	0.45 W. Hamilton	\$	280.00	\$ 91.00	\$ 371.00	373.26
R.P.	35	20	0.25 B. & S. Stewart	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P.	35	21	0.25 D. & J. Mikitish	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P.	35	22	0.25 R. & V. Page	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P.	35	Pt23						
	Sl/2 24	0.35	R. Hilderley	\$	280.00	\$ 71.00	\$ 351.00	353.14
R.P.	35	Rts 24 & 25	0.35 M. Curtis	\$	280.00	\$ 61.00	\$ 341.00	343.08
R.P.	35	26SPt 27	0.40 G. Yeo	\$	280.00	\$ 51.00	\$ 331.00	333.02



CON. or R.P. NO.	LOT	APPROX. ACRES AFFECTED	OWNER	BENEFIT	OUTLET	TOTAL	AS PRO-RATED
R.P. 35	NPt 27&28	0.30	G. & R. Arnett	\$ 280.00	\$ 31.00	\$ 311.00	312.90
R.P. 241	Pts 1&2	0.30	Oxford Cty. Board of Education	\$ 210.00	\$ 21.00	\$ 231.00	232.41
R.P. 241	Pt 2, 3 & SPT 4, 5	0.35	F. Saunders	\$ 140.00	\$ 41.00	\$ 181.00	182.10
R.P. 241	SPT 4, 5	0.45	F. Running	\$ 280.00	\$ 91.00	\$ 371.00	373.26

Blandford Street West Side

17	PtW1/2 9	0.10	H. Mussey	\$ 280.00	\$ 20.00	\$ 300.00	301.83
17	PtW1/2 9	0.50	L. Kading	\$ 280.00	\$ 101.00	\$ 381.00	383.32
17	PtW1/2 9 & 10	4.2	Village of Innerkip	\$ 280.00	\$ 347.00	\$ 627.00	630.83
R.P. 35	2	0.25	J. Watson	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	3, 4, & Pt 5	0.50	R. & J. Eaton	\$ 280.00	\$ 101.00	\$ 381.00	383.32
R.P. 35	E1/2 5	0.10	R. & J. Eaton	\$ 280.00	\$ 20.00	\$ 300.00	301.83
R.P. 35	6, W1/2 5	0.40	P. Bright	\$ 280.00	\$ 81.00	\$ 361.00	363.20
R.P. 35	S1/2 7	0.10	Masonic Lodge	\$ 280.00	\$ 20.00	\$ 300.00	301.83
R.P. 35	PtW1/2 7	0.10	H. Curtis	\$ 280.00	\$ 20.00	\$ 300.00	301.83
R.P. 35	8, NW1/4 7	0.30	J. Long	\$ 280.00	\$ 61.00	\$ 341.00	343.08
R.P. 35	9	0.25	V. Piggott	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	10	0.25	R. Pozza	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	11	0.25	G. Thompson	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	12	0.25	F. Lock	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	13	0.25	W. & A. Burton	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	14	0.25	G. & L. Erb	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	15	0.25	J. & C. Stadden	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	16	0.25	W. Gamble	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	17, 18, EPT 17, 18 Coleman 19 rear	0.80	E. Carter	\$ 280.00	\$ 162.00	\$ 442.00	444.70
R.P. 35	19	0.25	R. & E. Hancnburg	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	20, S1/2 21	0.35	J. Jankauskas	\$ 280.00	\$ 71.00	\$ 351.00	353.14
R.P. 35	N1/2 21, 22	0.35	M. Malcolm	\$ 280.00	\$ 71.00	\$ 351.00	353.14
R.P. 35	23	0.25	D. & D. Schaefer	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 35	24	0.25	R. Murray	\$ 280.00	\$ 41.00	\$ 321.00	322.96
R.P. 35	25	0.25	H. Curtis	\$ 280.00	\$ 31.00	\$ 311.00	312.90
R.P. 35	26	0.25	D. & S. Wettlaufer	\$ 280.00	\$ 31.00	\$ 311.00	312.90
R.P. 35	27	0.25	H. & R. Carter	\$ 280.00	\$ 31.00	\$ 311.00	312.90
R.P. 35	28	0.25	M. Hall	\$ 280.00	\$ 31.00	\$ 311.00	312.90
R.P. 241	1 & 2	0.60	J. & C. Kreuger	\$ 280.00	\$ 72.00	\$ 352.00	354.15
R.P. 241	3, SPT 4	0.3	F. Saunders	\$ 280.00	\$ 41.00	\$ 321.00	322.96
R.P. 241	5NP 4	0.45	L. & L. Stevenson	\$ 280.00	\$ 91.00	\$ 371.00	373.26
17 &	PtE1/2 11 &		Knechtel Milling				
R.P. 35	Pts 36, 37	2.00	Ltd.	\$ 785.00	\$ 406.00	\$ 1,191.00	1,198.27
17	PtE1/2 11	0.25	D. A. Peat	\$ 210.00	\$ 51.00	\$ 261.00	262.59



CON. or R.P. NO.	LOT	APPROX. ACRES AFFECTED	OWNER	BENEFIT	OUTLET	TOTAL	AS PRO-RATED
---------------------	-----	---------------------------	-------	---------	--------	-------	--------------

Blandford Street E/S

			W. & C.				
17	Pt 9	0.10	Hanenburg	\$	140.00	\$ 20.00	\$ 160.00 160.98
R.P. 80	12, Pt 11	0.10	J. Chesney	\$	140.00	\$ 20.00	\$ 160.00 160.98
R.P. 80	9, 10, Ptl 1	0.15	D. Carter	\$	140.00	\$ 30.00	\$ 170.00 171.04
R.P. 80	7 & 8	0.15	A. Carter	\$	140.00	\$ 30.00	\$ 170.00 171.04
R.P. 80	6	0.10	E. & B. Pushie	\$	140.00	\$ 20.00	\$ 160.00 160.98
R.P. 80	5	0.10	I. Lock	\$	140.00	\$ 20.00	\$ 160.00 160.98
R.P. 80	3, 4	0.15	G. Pallister	\$	140.00	\$ 30.00	\$ 170.00 171.04
R.P. 80	2	0.10	L. & J. Vanderwal	\$	140.00	\$ 20.00	\$ 160.00 160.98
R.P. 80	Pt 1	0.10	J. Long	\$	140.00	\$ 20.00	\$ 160.00 160.98
R.P. 111	Pt 1	0.20	W. Murray	\$	280.00	\$ 41.00	\$ 321.00 322.96
R.P. 111	Pt 1	0.30	W. & M. Gillespie	\$	280.00	\$ 61.00	\$ 341.00 343.08
R.P. 111	2	0.30	M. Skillings	\$	280.00	\$ 61.00	\$ 341.00 343.08
R.P. 111	3	0.25	R. Bean	\$	280.00	\$ 51.00	\$ 331.00 333.02
R.P. 111	4	0.50	I. & W. Remington	\$	280.00	\$ 101.00	\$ 381.00 383.32
R.P. 111	S 1/2 5	0.25	H. Curtis	\$	280.00	\$ 51.00	\$ 331.00 333.02
R.P. 111	N 1/2 5	0.25	Hilderleys Garage Ltd.	\$	280.00	\$ 51.00	\$ 331.00 333.02
R.P. 111	S 1/2 6	0.30	J. & M. Hilderley	\$	280.00	\$ 61.00	\$ 341.00 343.08
R.P. 111	N 1/2 6	0.25	C. & C. Velocci	\$	280.00	\$ 51.00	\$ 331.00 333.02
R.P. 111	Pt 7	0.15	Major Farm Equip.	\$	280.00	\$ 30.00	\$ 310.00 311.89
R.P. 111	Pt 7	0.15	E. Townsend	\$	280.00	\$ 30.00	\$ 310.00 311.89
R.P. 111	S Pt 8	0.40	J. Watson	\$	280.00	\$ 81.00	\$ 361.00 363.20
R.P. 111	N Pt 8	0.35	M. Pelton	\$	280.00	\$ 71.00	\$ 351.00 353.14
R.P. 111	9 & 10	1.1	Presbyterian Church of Can.	\$	280.00	\$ 206.00	\$ 486.00 488.97
R.P. 111	11	0.25	E. Callan	\$	280.00	\$ 51.00	\$ 331.00 333.02
R.P. 111	12	0.25	J. Walton	\$	280.00	\$ 51.00	\$ 331.00 333.02
R.P. 111	Pt 13	0.10	Township of E. Zorra	\$	280.00	\$ 20.00	\$ 300.00 301.83
R.P. 111	Pts 13, 14	0.15	W. & M. Murray	\$	280.00	\$ 30.00	\$ 310.00 311.89
R.P. 111	15, 16	0.50	G. & B. Chesney	\$	280.00	\$ 101.00	\$ 381.00 383.32
R.P. 111	17 S 1/2 18	0.35	G. & B. Eaton	\$	280.00	\$ 71.00	\$ 351.00 353.14
R.P. 111	N 1/2 18	0.15	R. & J. Krafft	\$	280.00	\$ 30.00	\$ 310.00 311.89
R.P. 111	19 & 20	0.35	G. Rowe	\$	280.00	\$ 51.00	\$ 331.00 333.02
R.P. 111	21 & 22	0.50	E. Sim	\$	280.00	\$ 81.00	\$ 361.00 363.20
R.P. 111	23, 24 & Pt 25	0.65	H. Caldecott	\$	330.00	\$ 132.00	\$ 462.00 464.82
R.P. 111	Pt 25 & 26	0.35	Lena Brown	\$	780.00	\$ 71.00	\$ 851.00 856.19
R.P. 111	Pt 26 & 27	0.25	D. & B. Eltom	\$	280.00	\$ 51.00	\$ 331.00 333.02
R.P. 111	28	0.25	G. Snarey	\$	280.00	\$ 51.00	\$ 331.00 333.02
R.P. 111	8	0.60	N. Currah	\$	280.00	\$ 122.00	\$ 402.00 404.45
R.P. 59	Pt A	0.25	R. Caldecott	\$	210.00	\$ 51.00	\$ 261.00 262.59

Queen Street W/S

R.P. 111	Pt 29	0.10	S. & L. Addley	\$	210.00	\$ 20.00	\$ 230.00 231.40
R.P. 111	30, 31, 32, 33	1.00	J. & T. Major	\$	280.00	\$ 203.00	\$ 483.00 485.95
R.P. 111	34, 35, 36	0.75	M. Racz	\$	1,020.00	\$ 152.00	\$ 1,172.00 1,179.15
R.P. 111	37, 38, 39	0.65	W. & J. Lenhardt	\$	380.00	\$ 122.00	\$ 502.00 505.06
R.P. 111	40, 41, 42	0.60	G. Piggott	\$	280.00	\$ 82.00	\$ 362.00 364.21
R.P. 111	43	0.25	F. & G. Birtch	\$	280.00	\$ 51.00	\$ 331.00 333.02

CON. or R.P. NO.	LOT	APPROX. ACRES AFFECTED	OWNER	BENEFIT	OUTLET	TOTAL	AS PRO-RATED
R.P. 111 44		0.25	G. & M. Oosterveld	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 111 45, 46		0.50	J.&V. Riddell	\$ 280.00	\$ 101.00	\$ 381.00	383.32
R.P. 111 47, 48 & E Pt A		0.70	M. & H. Kowe	\$ 280.00	\$ 142.00	\$ 422.00	424.57
R.P. 111 49		0.25	P. Sheppard	\$ 310.00	\$ 51.00	\$ 361.00	363.20
R.P. 111 50, 51		0.55	P. Sheppard	\$ 380.00	\$ 112.00	\$ 492.00	495.00
R.P. 111 52, N Pt 53		0.30	E. Sim	\$ 280.00	\$ 61.00	\$ 341.00	343.08
R.P. 111 S Pt 53		0.20	J. Prow	\$ 280.00	\$ 41.00	\$ 321.00	322.96
R.P. 111 54, Pt 55		0.25	D.&B. Dafoe	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 111 Pts 55, 56 57, 58		0.70	Hilderleys Garage Ltd.	\$ 280.00	\$ 142.00	\$ 422.00	424.57

Queen Street E/S

R.P. 111 61		0.20	H.&L. Burgess	\$ 280.00	\$ 41.00	\$ 321.00	322.96
*R.P. 111 62-64 115-117, Pt 121 122-124 & 126		5.0	C. Matheson	\$ 4,460.00	\$ 630.00	\$ 5,090.00	3,156.57
R.P. 111 65		0.30	C.&L. Stradden	\$ 280.00	\$ 61.00	\$ 341.00	343.08
R.P. 111 66 Pt 67		0.40	R.&R. Hilderley	\$ 280.00	\$ 81.00	\$ 361.00	363.20
R.P. 111 68, 69		0.40	R.&V. Hilderley	\$ 280.00	\$ 81.00	\$ 361.00	363.20
R.P. 111 71 -74		0.80	S.&V. Smith	\$ 280.00	\$ 162.00	\$ 442.00	444.70
R.P. 111 75, 76		0.40	R.&V. McIntyre	\$ 280.00	\$ 81.00	\$ 361.00	363.20
R.P. 111 77, 78		0.40	L.&M. Smith	\$ 280.00	\$ 81.00	\$ 361.00	363.20
R.P. 111 79, 80		0.40	C.&M. Thompson	\$ 210.00	\$ 81.00	\$ 291.00	292.78
R.P. 111 97, 98, 81		1.2	N. Brooks	\$ 740.00	\$ 223.00	\$ 963.00	968.88
*R.P. 111 82-88, 85 Pt 89 Pt 91 Pt 92		3.0	T. McIntyre	\$ 3,560.00	\$ 522.00	\$ 4,082.00	4,106.91

Briar Drive W/S

R.P. 1071 1		0.25	J.&C. Saurer	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 2		0.25	Innerkip Homesites Ltd.	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 3		0.25	R.&J. Hall	\$ 280.00	\$ 51.00	\$ 331.00	333.02

Briar Drive S/S

R.P. 1071 4		0.25	E.&B. Horrock	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 5		0.25	D.&H. Eaton	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 6		0.25	B.&V. Chambers	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 7		0.25	J.&J. Cunningham	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 8		0.25	H.&A. Piggott	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 9		0.25	C.&J. Czerniawski	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 10		0.25	C.&F. Harper	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 11		0.25	R.&M. Gebbie	\$ 280.00	\$ 51.00	\$ 331.00	333.02

Briar Drive N/S

R.P. 1071 12		0.25	B. Currah	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 13		0.25	G.&M. Scott	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 14		0.25	G.&C.H. Millar	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 15		0.25	M. West	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 16		0.25	A. Pullen	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 17		0.25	R.&D. Sager	\$ 280.00	\$ 51.00	\$ 331.00	333.02

CON. or R.P. NO.	LOT	APPROX. ACRES AFFECTED	OWNER	BENEFIT	OUTLET	TOTAL	AS PRO-RATED
R.P. 1071 18		0.25 K. & C. Fallowfield	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 19		0.25 P. & P. Bhatt	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 20		0.40 N. & M. Takacs	\$	280.00	\$ 81.00	\$ 361.00	363.20

Thames Ave. S/S

R.P. 1071 21, Pt 20	0.20 L. & D. Smith	\$	280.00	\$ 41.00	\$ 321.00	322.96
R.P. 1071 22	0.30 J. Piggott	\$	280.00	\$ 61.00	\$ 341.00	343.08
R.P. 1071 23	0.25 G. & A. Shaw	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 24	0.25 R. & J. Thornton	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 25	0.25 J. & E. Whitlow	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 26	0.25 N. Vernoooy	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 27	0.25 K. & L. Priest	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 28	0.25 J. & J. Bryan	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 29	0.25 W. & M. Marshall	\$	280.00	\$ 51.00	\$ 331.00	333.02

Thames Ave. N/S

R.P. 1071 30	0.25 R. Brown	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 31	0.25 D. & D. Beres	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 32	0.25 G. & M. Moyer	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 33	0.25 L. & J. Hananburg	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 34	0.25 R. & L. Devine	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 35	0.25 L. Takacs	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 36, 37	0.55 R. & L. Hilderley	\$	280.00	\$ 112.00	\$ 392.00	394.39
R.P. 1071 38	0.25 D. & A. Ferguson	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 39	0.25 W. & M. Spicer	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 40	0.25 K. & I. Deller	\$	280.00	\$ 51.00	\$ 331.00	333.02
R.P. 1071 41	0.25 M. Moyer	\$	280.00	\$ 51.00	\$ 331.00	333.02

Burton Street S/S

R.P. 35 Wpts 2, 3, 4	0.35 J. Piggott	\$	280.00	\$ 61.00	\$ 341.00	343.08
R.P. 35 Epts 2, 3, 4	J. & E. Piggott	\$	280.00	\$ 61.00	\$ 341.00	343.08

Vincent Street N/S

R.P. 35 Ept 11	0.10 Canadian Order of Foresters	\$	280.00	\$ 20.00	\$ 300.00	301.83
----------------	--	----	--------	----------	-----------	--------

Balsam Street N/S

R.P. 35 Ept 23	0.1 R. & J. Christensen	Deleted by Court of Revision	\$	20.00	\$ 20.00 <del>200.00</del>	20.13
*R.P. 111 135	2.5 J. & M. Jonker	\$	1,538.00	\$ 272.00	\$ 1,810.00	1,821.04
*R.P. 111 130-134	2.8 C. Matheson	\$	1,743.00	\$ 308.00	\$ 2,051.00	1,272.08
R.P. 111 99-104	1.2 H. Matheson	\$	1,280.00	\$ 181.00	\$ 1,461.00	905.86

Balsam Street S/S

R.P. 111 Wpt A Ept 13, 14	0.35 J. & H. Vance	\$	280.00	\$ 71.00	\$ 351.00	353.14
R.P. 111 105-108	0.80 H. Matheson	\$	715.00	\$ 127.00	\$ 842.00	521.85
*R.P. 111 70, 109-114 127-129 & Pt 136 & 137	6.0 C. Matheson	\$	7,243.00	\$ 688.00	\$ 7,931.00	4,917.64



CON. or R.P. NO.	LOT	APPROX. ACRES AFFECTED	OWNER	BENEFIT	OUTLET	TOTAL	AS PRO-RATED
<u>Main Street S/S</u>							
R.P. 80 & 17	Ept 1 & Pt 10	0.75	H.G. Culver	\$ 280.00	\$ 152.00	\$ 432.00	434.64
17	Pt 10	0.35	P. & M. McMahon	\$ 280.00	\$ 71.00	\$ 351.00	353.14
17	Pt 9	0.25	W. Oerton	\$ 280.00	\$ 51.00	\$ 331.00	333.02
17	Pt 9	0.40	A. Gauthier	\$ 280.00	\$ 81.00	\$ 361.00	363.20
*17	Pt 9	4.0	J. & M. Jonker	\$ 840.00	\$ 239.00	\$ 1,079.00	1,085.58
17	Pt 9	0.35	J. & M. Jonker	\$ 210.00	\$ 71.00	\$ 281.00	282.71
<u>Main Street N/S</u>							
R.P. 111	Ept 1, 2, 3	0.25	M. Ross	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 111	Spt 57, 58	0.25	M. McIntyre	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 111	59, 60	0.45	M. Zehr	\$ 280.00	\$ 91.00	\$ 371.00	373.26
R.P. 111	118, 119	0.50	W. Elliott	\$ 280.00	\$ 101.00	\$ 381.00	383.32
R.P. 111	120, Pt 121	0.50	J. Matheson	\$ 210.00	\$ 101.00	\$ 311.00	312.90
R.P. 111	Pt 124	0.35	F. & J. Peeters	\$ 280.00	\$ 71.00	\$ 351.00	353.14
R.P. 111	Pt 124, 125	0.35	C. & M. Zandee	\$ 280.00	\$ 71.00	\$ 351.00	353.14
R.P. 111	Pts 136- 138 & Pts 124 & 125	7.0	Innerkip Cemetery	\$ 800.00	\$ --	\$ 800.00	804.88
<u>Young Street S/S</u>							
*R.P. 111 17 & R.P. 111	Pt 94-96 & 133 Pt 10 & Pt 93 & 94	3.8 0.5	R. & J. Eaton J. & J. Thompson	\$ 4,268.00	\$ 489.00	\$ 4,757.00	4,786.02
<u>Young Street N/S</u>							
R.P. 111	Pts 91 & 92	0.5	G. & R. Shields	\$ 280.00	\$ 101.00	\$ 381.00	383.32
R.P. 111	Pt 92	0.5	A. & D. Thomson	\$ 280.00	\$ 101.00	\$ 381.00	383.32
R.P. 111	Pt 92	0.35	D. & L. Foster	\$ 280.00	\$ 71.00	\$ 351.00	353.14
R.P. 111	Pt 89-92 -93	0.25	E. & G. Braun	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 111	Pt 92	0.25	J. & C. Rutherford	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 111	Pt 93	0.25	F. & E. Chesney	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 111	93	0.25	J. & S. Hague	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 111	Pt 93	0.25	S. & C. Dykstra	\$ 280.00	\$ 51.00	\$ 331.00	333.02
R.P. 111 & 17	Pt 93 & Pt 10	0.25	T. Thompson	\$ 140.00	\$ 51.00	\$ 191.00	192.18
Total Assessment on Lands				\$201,282.00	\$38,163.00	\$143,465.00	\$137,543.60
Coleman Street	3.0	Township of East Zorra	\$ 3,125.00	\$ 6,900.00	\$ 10,025.00	\$ 10,086.17	
Alandford Street	5.5	County of Oxford	\$ 38,330.00	\$ 9,420.00	\$ 47,750.00	\$ 48,041.34	
Queen Street	3.0	Township of East Zorra	\$ 4,714.00	\$ 6,900.00	\$ 11,614.00	\$ 11,684.86	
James Street	2.0	Township of East Zorra	\$ 850.00	\$ 2,360.00	\$ 3,150.00	\$ 3,169.22	
George Street	0.25	Township of East Zorra	\$ 750.00	\$ 575.00	\$ 1,325.00	\$ 1,333.08	
Main Street	2.0	Township of East Zorra	\$ 3,750.00	\$ 4,600.00	\$ 8,350.00	\$ 8,400.95	
Burton Street	0.50	Township of East Zorra	\$ 2,300.00	\$ 1,150.00	\$ 3,450.00	\$ 3,471.05	
Vincent Street	0.50	Township of East Zorra		\$ 1,150.00	\$ 1,150.00	\$ 1,157.02	



Day Street	1.0	Township of East Zorra		\$ 2,300.00	\$ 2,300.00	\$ 2,314.03
Briar Drive	1.5	Township of East Zorra	\$	500.00	\$ 3,450.00	\$ 3,950.00 \$ 3,974.10
Thames Ave.	1.25	Township of East Zorra	\$	500.00	\$ 2,875.00	\$ 3,375.00 \$ 3,395.59
Balsam Street	2.0	Township of East Zorra	\$	10,525.00	\$ 4,600.00	\$ 15,125.00 \$ 15,217.28
Stratford Street	0.5	Township of East Zorra		\$ 1,150.00	\$ 1,150.00	\$ 1,157.02
Young Street	2.0	Township of East Zorra	\$	5,000.00	\$ 4,600.00	\$ 9,600.00 \$ 9,658.57
County Rd. 33	7.5	County of Oxford	\$	3,100.00	\$ 9,681.00	\$ 12,781.00 \$ 12,858.98
Mill Street	0.25	Township of East Zorra		\$ 575.00	\$ 575.00	\$ 578.51
Road Cons. 16 & 17	0.5	Township of East Zorra		\$ 765.00	\$ 765.00	\$ 769.67
Total Assessment on Roads				\$ 73,444.00	\$ 62,991.00	\$ 136,435.00 \$ 137,267.44

Total Assessment on Innerkip Drainage Works	\$279,900.00
Revision by Court of Revision	(280.00)
Revision by County Court	\$279,620.00
	(5,001.00)
	<u>\$274,619.00</u>

NOTE: ALL LANDS WITH THE EXCEPTION OF THOSE NOTED WITH AN  
ASTERISK ARE CLASSIFIED AS NON-AGRICULTURAL

SPECIAL PROVISIONS  
FOR  
INNERKIP DRAINAGE WORKS

S.P.1. APPLICABLE SPECIFICATIONS

The General Conditions, Open Drain, Tile Drain and Storm Drains and Appurtenances sections of the Specifications for Construction of Municipal Drainage Works, February 1974 hereinafter referred to as the Specifications shall apply to the construction of this drain except where superseded by these Special Provisions or by notes on the attached drawings.

S.P.2. TENDER

Tenders to be entitled to consideration must be made on the form provided therefore and shall be enclosed in a sealed opaque envelope which shall be addressed to:

Corporation of the Township of East Zorra-Tavistock  
c/o Mr. J. Killing, Clerk-Treasurer  
HICKSON, Ontario

and shall be endorsed "Tender for Innerkip Drainage Works".

The Township reserves the right to reject all or any tenders received.

Prices for each item as required must be legible. The Tender must be signed by an officer of the company, designating his position and executed with the company seal. In the case of an individual trading as a company, the signature of the person signing the Tender must be witnessed.

All of the blanks in the Tender Form shall be filled in.

An extra copy of the Form of Tender is included for the contractor's own records.

Tenders that are incomplete, conditional, illegible, obscure, or that contain additions not called for, reservations, erasures, errors, alterations or irregularities of any kind or are not properly signed may be rejected as informal.

The tender shall be accompanied by a security in the amount equal to ten per cent (10%) of the amount of the tender.

Security may be either cash, negotiable government bonds, or a certified cheque.

Tender security shall be made payable to the Owner.

S.P.3. EXAMINATION OF THE SITE

For the information of all tenderers and at a time to be indicated on the Tender advertisement and forms, but prior to the closing of tenders, test holes will be dug on the site by the municipality. No additional payment will be allowed for additional work resulting from unfavourable soil conditions other than solid rock excavation with the exception of the costs of supplying and installing rubber gaskets along the affected lengths of pipe. This supersedes the provisions of Section S.21. paragraph 3 and T.10.

S.P.4. ROADWAY CROSSINGS

Applicable sections of the Specifications, eg. G.13., D.10., T.12. and S.3.3. are superseded in that all work along or across roadways are to be governed by the Typical Sections and notes, etc. on the attached drawings. Asphalt roadway surfaces shall be reconstructed by the authority having jurisdiction over the affected road.

#### S.P.5. TESTS

The township shall be responsible for the costs involved in testing only pipe or tile materials and if tests are requested no more than 3 lengths of any or each size of pipe or tile will be submitted for testing, unless in the opinion of the engineer, faulty materials are involved and additional tests are warranted.

#### S.P.6. BACKFILLING OF TRENCHES

Section S.3.2. of the Specifications shall be supplemented and superseded in part by the notes and details on the drawings of this Contract.

#### S.P.7. CATCH BASINS, MANHOLES AND APPURTENANCES

Sections S.10.3. to S.10.7. inclusive of the Specifications are superseded in that all applicable products of Oaks Precast Industries Ltd. (or equals) may be substituted for those specified. Also welded frames and grates, if approved by the Engineer, may be substituted for the cast-iron frames and grates in those locations described on the drawings.

#### S.P.8. PRIVATE DRAIN CONNECTIONS

Private drain connections will not be required except where necessary to replace an existing connection into an existing drain herein being replaced, damaged or cut off. Where required, the construction of Private Drain Connections, shall be in accordance with the general note on the drawings and the payment for each will be, including joints, on a lump sum basis as established on this Tender form. If lengths in excess of 25 feet are required for any connection, that amount of the connection in excess of 25 feet will be paid on a time and materials basis. Saddles rather than tees or the use of well constructed and grouted simple insertions into the pipe may be used for making the connection if approved by the engineer. Connections described to be made by the drawings will not be paid under this category as the tender provides for such connections. Note that the drawings call for rigid materials on granular bedding with cemented joints for all connections.

#### S.P.9. SOLID ROCK EXCAVATION

Should solid rock be encountered and normal trench excavation methods are not capable of removing the rock the contractor will be reimbursed on a time and materials basis for the costs in excavating the rock plus for his net loss of production due to time lost during rock excavation. The method of removing solid rock, if encountered, must be approved by the engineer and all unit costs in doing such work must be approved by the engineer prior to commencement of operations.

#### S.P.10. RESTORATION

Section S.14. of the Specifications is superseded in that all lawn areas on private lands disturbed or damaged by construction must be fully restored to an original condition. The trench backfill must be sufficiently compacted to reduce future settlement and shall be covered over with 6" of approved topsoil; and then shall be levelled, graded and covered with approved nursery sods (Merion or Kentucky Blue Grass or equal) by an approved landscape sub-contractor or equal if approved by the Engineer.

All field areas if disturbed shall have the topsoil stripped back and then replaced upon completion of construction.

All garden areas shall have a minimum of 12 inches of topsoil placed over areas disturbed by construction.

All customarily travelled areas (lanes or roads) shall be re-surfaced with 12 inches of pit-run gravel base (Granular 'B') with maximum stone size of 4" and 6" of crushed gravel surface (Granular 'A') except where noted differently on the drawings. All granular shall be compacted in place using equipment described in the drawings.



Gravel shoulders shall be restored with 6" of compacted crushed gravel (Granular 'A').

All shrubs, plants, ornamental trees, clothes-line poles, etc., if necessary to move shall be temporarily relocated during construction and shall be replaced in their original location during restoration.

Grass-seed mixture used must be equal to commercial lawn seeds and must be approved by the engineer in advance.

#### S.P.11. GABION STRUCTURES

The Gabion baskets used shall be "Heavily Galvanized Gabions-River Type" as available from Maccaferri Gabions of Canada Ltd. All wire used for binding shall be as supplied by the Manufacturer (0.086" diameter).

**ASSEMBLY** Upon delivery each bundle shall be opened and each unit unfolded.

The sides, ends, and diaphragms are to be lifted into vertical position and the four corners are to be wired together and the diaphragm edges to the gabion sides.

**INSTALLATION** Level the base where the gabions will be placed to a smooth finish and the right elevation.

Wire each unit securely to the adjacent units along the top and vertical edges prior to placing stone. Stretch gabions before filling if necessary.

**FILLING** Use a 3" to 8" durable hard stone as supplied by Forwell's of Kitchener or equal.

Choice of equipment, front end loader, gradall or backhoe etc. is up to the contractor but voids are to be kept to a minimum. Hand placement will be necessary at times. For the 36" deep gabions only, the baskets are to be filled in 1 foot lifts and between each lift connecting wires are to be placed in both directions between opposite sides and looped around two meshes at each end.

After filling is complete, the top is to be folded shut and wired to the ends, side and diaphragm.

Empty baskets placed on top of a completed row must be wired to the filled gabions at front and back.

#### S.P.12. SACKED CONCRETE RIP-RAP PROTECTION

A sacked concrete protection shall be built around the drain outlet as indicated on the drawings. Burlap bags containing a volume of one (1) cubic foot of concrete when filled shall be used and shall be hand placed. Dry concrete is not permitted.

#### S.P.13. WINTER WORK

If any work is started and not fully completed prior to winter or frost, all areas partially or fully affected by the construction shall be temporarily or fully restored in accordance with the specifications and drawings of this contract with the exception that no sodding will be required until the following spring. However, final restoration will have to be attended to as soon as conditions permit during the ensuing year. All temporary and final restoration will be at the contractors expense. Particular attention must be given to the prevention of ponded surface waters, of interference with snow plowing operations, of soft or muddy laneways and roadways and of damage to any materials used or to be used on the project if work ceases due to winter conditions. No additional payment will be provided on account of increases in costs of materials or labour over, or resulting from the winter period. If construction on formerly paved roadways is not completed in time to allow the authority to resurface the road, the



contractor of this contract will be required to scarify, regrade and compact the upper portions in the following spring. The maintenance of all roads, over the winter period shall be the road authority's responsibility however.

#### S.P.14. EXTRA WORK

Section G.7. of the General Conditions is partially superseded in that if the contractor undertakes extra work as directed by the engineer he will be paid in accordance with the unit price for such work evident from the tender forms if applicable or alternatively if such unit price is not evident, he will be paid on a time and materials basis. In case of time and materials work the contractor will be allowed a further 17% of the total cost for his involvement. Such allowance shall be compensation in full for management, overhead, profit, etc.

If the quantity of any items in the tender form changes by more than 10% from the estimated amount a re-negotiated unit price may be used if mutually agreed by the engineer and the contractor. As well if the quantity increases by more than 10% the contractor shall be entitled to the allowance of 17% on the quantities in excess of the 10% amount.

### T. TILE DRAIN

#### T.1. TILE

The Contractor is to state the type and manufacturer of the tile which he proposes to use and is to be prepared to submit alternative prices for concrete or clay tile in the sizes available, if required.

Standard clay drain tile shall meet all A.S.T.M. specifications, as set out in Designation C4-62 and Designation C498 with the exception of the Absorption Factor and the Freeze and Thaw Test. Extra quality drain tile and heavy duty drain tile shall meet all specifications as set out in Designation C4-62 and Designation C498.

Concrete drain tile shall meet all A.S.T.M. specifications as set out in Designation C412 with the exception that the nominal length of drain tile 5 to 12 inches diameter inclusive shall not be less than 12 inches and that tile of 12 to 24 inches in diameter inclusive shall have nominal lengths not less than the diameters.

Where any of the above referred to standards are amended or superseded, such amendments or revisions shall apply.

#### T.2. STAKES

Stakes are set along the course of the drain at intervals of 100 feet.

Bench marks have been established, which are to govern the elevations of the drain. The location and elevations of the bench marks are given on the plan and profile drawings.

The Contractor will ensure that the stakes are not disturbed unless approval is obtained from the Engineer.

#### T.3. LINE

The drain shall run in as straight a line as possible throughout its length, except that at intersections of other water courses or at sharp corners, it shall run on a curve of at least 50 foot radius. The new tile drain shall be constructed at an offset from and parallel with any ditch or defined watercourse in order that fresh backfill in the trench will not be eroded by the flow of surface water. The Contractor shall exercise care not to disturb any existing tile drain or drains which parallel the course of the new drain, particularly where the new and the existing tile act together to provide the necessary capacity. Where any such existing tile is disturbed or damaged the Contractor shall perform the necessary correction or repair at his expense.

#### T.4. LAYING

The tile is to be laid with close joints and in regular grade and alignment in accordance with the plan and profile drawings. The Contractor is to erect cross-arm sights and use a boning rod in the laying of the tile. The tiles are to be bevelled, if necessary, to ensure close joints. Rather than bevelling the tile on sharp bends, the Contractor may wrap the wide joints with a 6" wide band of 15 pound felt building paper. The inside of the tile is to be kept clear when laid.

Where soil conditions warrant, the Engineer may require that the tile be wrapped with a fibreglass wrapping such as Tile Guard Felt, manufactured by Globe Glass Saturators or approved equal. Any such work shall be considered as an extra to the contract. The Contractor shall submit with his tender the extra cost for wrapping the tiles, if required.

The sides of the tile are to be supported by partial filling of the trench prior to inspection by the Engineer. The remainder of the excavated material shall be used to restore and maintain the natural surface of the ground.

No tile shall be backfilled until inspected by the Commissioner or Engineer unless directed otherwise by the Engineer.

The tile shall be backfilled such that a sufficient mound of backfill is placed over the trench to ensure that no depression remains after settling occurs in the backfill.

#### T.5. LOWERING OF SURFACE GRADES

Where required, the Contractor shall strip off the top layer of earth in order that the tiling machine may trench to the correct depths. His tender price shall include the cost of stripping the topsoil, bulldozing of subsoil to depth required and subsequent replacing of subsoil and topsoil.

#### T.6. TRIBUTARY DRAINS

Any tributary tile encountered in the course of the drain is to be carefully taken up by the Contractor and placed clear of the excavated earth. If the tributary tile drains encountered are clean or reasonably clean, they shall be connected into the new drain. Where existing drains are full of sediment, the decision to connect or not to connect to the new drain shall be left to the Engineer or Commissioner. The Contractor shall be paid for each tributary drain hook-up as outlined in the tender form. Where the Contractor is requested by the Engineer or Commissioner to hook up an existing tile which is not encountered in the course of the drain, the cost of such work shall constitute an extra and the basis of payment shall be determined by the Engineer or Commissioner subject to the provisions of Section G.7.

The method and materials proposed for the connection are to be approved by the Commissioner or Engineer.

#### T.7. OUTLET PROTECTION

Corrugated metal pipe shall be used to protect the tile at its outlet. The joint between the metal pipe and the field tile shall be sealed with mortar. A sacked concrete protection, unless otherwise specified, shall be built around the corrugated pipe and extended downstream a minimum distance of three feet. The protection shall extend to the top of the backfilled trench and below the pipe to 12' under the streambed. The protection shall also extend 2 feet into undisturbed soil on either side of the backfilled trench. Where the outlet occurs at the end of the open ditch the above sacked concrete rip-rap protection will extend all around the end of the ditch and to a point 3' downstream on either side. Where heavy overflow is likely to occur, sufficient additional rip-rap shall be placed as directed by the Engineer to prevent the water cutting around the protection. A concrete structure may be required to protect against heavy overflow if so indicated on the drawings.



in the report. The corrugated metal pipe shall have a hinged metal grate on the outlet end to prevent the entry of small animals. Maximum spacing between bars shall be two inches.

#### T.8. CATCHBASINS

Catchbasins shall be constructed, using a minimum 3,000 p.s.i. concrete with inside dimensions 2 feet square, walls and floors 6 inches thick and the bottom 18 inches below the invert of the tile or the catchbasins may be constructed of a 2 foot diameter concrete sewer pipe placed on a 6 inch slab of concrete. The catchbasin top shall be a substantial iron grate, easily removable for cleaning. Precast catchbasins and manholes may be used if prior approval is given by the Engineer. Minimum wall thickness permitted for catchbasins without reinforcement is 6" and with reinforcement is 4", provided that either is acceptable to the road authority. Where a catchbasin is located on a road allowance, the type of catchbasin and grate to be used and its proposed elevation shall be approved by the Engineer, or the Road Superintendent. Catchbasins may be offset from the drain, where practical and shall have 8 inch concrete tile or metal pipe leads. Catchbasin leads shall have a minimum of 24 inches of cover.

Catchbasins located on highways shall be the M.T.C. type Standard DD-702 or the M.T.C. precast type Standard DD-711. The catchbasin top shall be the M.T.C. Standard DD-706. (If required, contact the engineer for the applicable standards.) Standard DD-716-A shall apply for ditch-inlet catchbasins.

All catchbasins located on Highways, County Roads and Township roads shall be backfilled with porous backfill placed to a minimum thickness of one (1) foot on all sides. The backfill material shall be satisfactorily tamped. If settling occurs after construction, the Contractor shall supply and place sufficient granular material to maintain the backfill level flush with adjacent ground as part of the contract.

Where rip-rap protection is called for at any catchbasin location, the rip-rap shall be sacked concrete and shall extend a minimum distance of 12" away from the outer edge of each side of the catchbasin, and shall be placed so that the finished surface of the rip-rap is flush with the existing ground.

Unless otherwise noted the tops of all standard catchbasins shall be 6" above adjacent normal ground levels.

#### T.9. BRUSH, TREES, DEBRIS, ETC.

The contract is to include the removal of all excavation of whatever nature, disposal of materials, removal and cutting of all brush, supplying of all labour and completing the whole work in accordance with the plan, profile and this specification. Any trees, necessarily removed, are to be brushed and left for the owner of the property on which they are found. All brush, limbs, etc. are to be put in piles by the Contractor and left for disposal by the owner. Where, in the opinion of the Engineer the drain or proposed location of the drain is heavily overgrown with small trees and brush, the Contractor may use a bulldozer or other such equipment to clear a minimum width of 100 feet. The resulting debris shall be placed where directed by the Engineer and left for disposal by the owner. Where roots may interfere with the new drain all such roots shall be grubbed and placed in a pile convenient for disposal by the owner. No additional payment will be made for such work.

#### T.10. QUICKSAND

The Contractor shall immediately contact the Engineer or Commissioner if quicksand is encountered. The Engineer or Commissioner shall direct the Contractor to lay the tile on plank or to construct a temporary open drain to lower the water table, or to lay the tile on a crushed stone mat, or to take such other action as may appear to be necessary. The basis of payment for such extra work shall be determined by the Engineer or Commissioner.

**T.11. ROCK**

The Contractor shall immediately contact the Engineer or Commissioner if boulders of sufficient size and number are encountered such that the Contractor cannot continue trenching with a tiling machine. The Engineer or Commissioner may direct the Contractor to use some other method of excavating to install the drain. The basis of payment for such extra work shall be determined by the Engineer or Commissioner.

**T.12. ROADS**

On any road crossing the contractor may use original ground as backfill to within 24 inches of finished grade only if adequate compaction is obtained and if the use of original ground backfill has been approved beforehand by the affected road authority.

When imported backfill is used, the excavated ground being replaced shall be disposed of within the right-of-way as directed by the road authority. If it is necessary to haul any material to another site additional payment will be allowed.

For further specifications for roadway crossings refer to specification G.13.

**T.13 JUNCTION BOXES**

Junction Boxes shall be constructed of concrete mixed one part cement to five parts clean pit run gravel. The sides, bottom and top shall be four inches (4") thick. The inside dimensions of the box shall be a minimum of one foot by one foot wide and one foot high but in no instance shall they be less than four inches larger than the diameter of the largest tile being connected.

**T.14. RECOMMENDED PRACTICE FOR CONSTRUCTION OF SUBSURFACE DRAINAGE SYSTEMS**

The report of the Ontario Farm Drainage Association, Construction Standards Committee, of January 1972, and its amendments, dealing with the construction of Subsurface Drainage Systems, Sections 4 to 12 inclusive, shall be the guide to all methods and materials to be used in the construction of tile drains except where superseded by other specifications of this contract.







An Act respecting the  
Township of East Zorra-Tavistock

---

*1st Reading*

November 9th, 1977

*2nd Reading*

December 13th, 1977

*3rd Reading*

December 13th, 1977

---

MR. EATON

---

*Pauline G. G. S. Hon*  
BILL Pr30

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Chatham**

---

MR. MCGUIGAN

---





BILL Pr30

1977

## An Act respecting the City of Chatham

**W**HEREAS The Corporation of the City of Chatham, <sup>Preamble</sup> herein called the Corporation, hereby represents that on the 1st day of November, 1976 the council of the Corporation gave first and second readings to By-law Number 6890 of the Corporation entitled "A By-law to grant to J. I. DeNure (Chatham) Limited an exclusive franchise to operate buses for the conveyance of passengers within the limits of the City of Chatham for a period of ten years from the 1st day of January, 1978, to authorize the execution of an Agreement setting forth the terms and conditions upon which such franchise is to be granted and to obligate The Corporation of the City of Chatham to pay annually to J. I. DeNure (Chatham) Limited such amount of money as may be necessary to provide J. I. DeNure (Chatham) Limited with the profit in the exercise of such franchise to the extent set forth in the Agreement"; that the said by-law has been assented to by the municipal electors for the City of Chatham; that the council of the Corporation gave third reading to and finally passed the said by-law on the 13th day of December, 1976; and whereas the Corporation hereby applies for special legislation in respect of the matter herein-after set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding section 248 of *The Municipal Act*, <sup>By-law 6890</sup> section 64 of *The Ontario Municipal Board Act*, and sub-<sup>declared</sup> section 3 of section 2 of *The City of Chatham Act, 1958*, <sup>valid</sup> By-law Number 6890 of the Corporation set forth in the Schedule hereto, and the agreement annexed as Schedule "X" to the said By-law, are hereby declared to be valid and binding upon the Corporation, and the ratepayers and inhabitants of the City of Chatham and upon J. I. DeNure (Chatham) Limited.

R.S.O. 1970,  
cc. 284, 323  
1958, c. 129

Application

**2.** The by-law and agreement referred to in section 1 do not affect,

R.S.O. 1970,  
c. 392

(a) any licence granted under *The Public Vehicles Act*;

(b) the right of a school board to,

(i) provide, operate and maintain vehicles for the transportation of pupils,

(ii) enter into agreements for the provision of transportation of pupils; or

(c) the right of any person to provide, operate and maintain vehicles for the transportation of pupils pursuant to an agreement entered into under sub-clause ii of clause b.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The City of Chatham Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 19 77*

ASSEMBLY PROROGUED

*December 16 19 77*

*Robert Lewis*

CLERK

LEGISLATIVE ASSEMBLY

## SCHEDULE

BY-LAW NUMBER 6890

## OF THE CORPORATION OF THE CITY OF CHATHAM

A By-law to grant to J. I. DeNure (Chatham) Limited an exclusive franchise to operate buses for the conveyance of passengers within the limits of the City of Chatham for a period of ten years from the 1st day of January, 1978, to authorize the execution of an Agreement setting forth the terms and conditions upon which such franchise is to be granted and to obligate The Corporation of the City of Chatham to pay annually to J. I. DeNure (Chatham) Limited such amount of money as may be necessary to provide J. I. DeNure (Chatham) Limited with the profit in the exercise of such franchise to the extent set forth in the Agreement.

FINALLY PASSED the 13th day of December, A.D. 1976.

---

WHEREAS since the year 1948 a passenger transportation system has been operated and maintained for and on behalf of The Corporation of the City of Chatham by J. I. DeNure (Chatham) Limited under an exclusive franchise as set forth in By-laws of the City of Chatham and Agreements between the City of Chatham and J. I. DeNure (Chatham) Limited.

AND WHEREAS the current exclusive franchise to maintain and operate buses for the conveyance of passengers held by J. I. DeNure (Chatham) Limited pursuant to enabling By-law of and Agreement with The Corporation of the City of Chatham will expire on December 31, 1977.

AND WHEREAS J. I. DeNure (Chatham) Limited has requested that its exclusive franchise be extended for a further period of ten years from the 1st day of January, 1978 to the 31st day of December, 1987.

AND WHEREAS Council of The Corporation of the City of Chatham is of the opinion that the transportation system offered by J. I. DeNure (Chatham) Limited presents a transportation service on the most economical and satisfactory terms available or likely to be available over the proposed period of the exclusive franchise.

AND WHEREAS Council of The Corporation of the City of Chatham deems it advisable to grant to J. I. DeNure (Chatham) Limited an exclusive franchise to maintain and operate buses for the conveyance of passengers within the limits of the City of Chatham for a period of ten years from and including the 1st day of January, 1978 but subject to certain terms and conditions as embodied by agreement.

AND WHEREAS the said Agreement will obligate The Corporation of the City of Chatham to pay annually to J. I. DeNure (Chatham) Limited such amount of money as may be necessary to provide J. I. DeNure (Chatham) Limited with a profit in the exercise of such franchise to the extent set forth in the Agreement.

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of Chatham as follows:

1. That The Corporation of the City of Chatham does hereby grant to J. I. DeNure (Chatham) Limited the exclusive right, franchise and privilege to maintain and operate buses for the conveyance of passengers within the limits of the City of Chatham for a period of ten years from and including the



1st day of January, 1978 to and inclusive of the 31st day of December, 1987 in, over and upon the streets or highways within the limits of the City of Chatham upon the terms and conditions as set forth in the Agreement, a copy of which is annexed hereto and marked Schedule "X".

2. That the Mayor and Clerk of The Corporation of the City of Chatham be and they are hereby authorized to execute the said Agreement annexed hereto as Schedule "X" on behalf of The Corporation of the City of Chatham and to affix the corporate seal thereto.

This By-law shall come into full force and effect upon the final passing thereof and when the Agreement annexed hereto as Schedule "X" has been executed by the parties thereto.

READ A FIRST AND SECOND TIME this 1st day of November, 1976.

D. G. ALLIN,

*Mayor.*

WM. L. FOREMAN,

*Clerk.*

## SCHEDULE "X"

### TO BY-LAW 6890

THIS AGREEMENT made in duplicate this 1st day of January, 1978.

BETWEEN:

THE CORPORATION OF THE CITY OF CHATHAM,  
hereinafter called the "Corporation",

OF THE FIRST PART,

—and—

J. I. DENURE (CHATHAM) LIMITED,  
hereinafter called the "Contractor",

OF THE SECOND PART.

WHEREAS the Contractor has been operating a bus transportation system for the Corporation from the year 1948 and is currently operating such bus transportation system pursuant to the terms of an Agreement between the Corporation and the Contractor dated the 13th of October, 1966, which Agreement and the Franchise granted pursuant thereto terminate on the 31st of December, 1977.

AND WHEREAS the parties hereto are desirous of entering into a further agreement to provide for the continuation of the exclusive Franchise granted to the Contractor by the Corporation on the terms and conditions hereinafter set forth.

WITNESSETH THAT in consideration of the premises and the covenants and agreements hereinafter contained and other good and valuable consideration, the parties hereto agree as follows:—

1. Subject to the due performance by the Contractor of its obligations under this Agreement, the Corporation hereby grants to the Contractor the exclusive right, franchise and privilege to maintain and operate buses for the conveyance of passengers within the limits of the City of Chatham for a period of 10 years from and including the 1st day of January, 1978 to and inclusive of the 31st day of December, 1987 and for such purpose to maintain, lease, own and operate buses and other vehicles operated by gasoline or other power together with any rolling stock and equipment necessary and incidental thereto, but upon the terms mentioned in and authorized hereby and further for such purpose to use, keep and operate such buses and vehicles upon the streets of the City of Chatham. The Franchise hereby granted relates only to the picking up, conveyance and discharge of passengers within the limits of the City of Chatham and does not extend or apply to the operation of buses operating between any point within the City of Chatham and points outside the City of Chatham where passengers are not conveyed from one point within the City of Chatham to another and does not apply to passengers conveyed within the City of Chatham by taxicab or ambulance. Without restricting the generality of the foregoing, it is understood and agreed that the Contractor shall have the exclusive right to pick up, convey and discharge students within the limits of the City of Chatham and the right to enter into any contract for the conveyance of students within the limits of the said City of Chatham, provided however, that The Kent County Board of Education and The Kent County Roman Catholic Separate School Board each shall have the right to pick up, convey and discharge students within the City of Chatham who are in attendance at their schools on buses owned, operated or sub-contracted for by the said Boards on condition that it is done without charge to such students.

2. During the period of this Agreement, the Contractor covenants and agrees to maintain and operate a transportation service as required by the Corporation from time to time upon such streets and upon such routes and upon such schedule as to days of the week, daily service, frequency of service, stopping places and fares as required by the Corporation, and as the Corporation shall by resolution determine and in the meantime, on such streets, upon such routes and upon such schedule as are set forth in the schedule presently on file with the Clerk of the Corporation and initialled by both parties; provided that the Contractor shall not be required to accept routes over unpaved streets for more than a period of one year and provided that the mileage per day shall not be reduced below what will average 125 miles per bus per day and further provided that the minimum requirements set forth in Paragraph 14 hereof shall be maintained and satisfied. The Contractor shall also provide and operate special buses at a frequency of service and at a cost to the Corporation to be mutually agreed upon and failing agreement, to be settled by arbitration to be provided for by Section 20 hereof. The Corporation agrees to consult with the Contractor with respect to proposed changes in routes and schedules but the decision of the Corporation in this regard shall be final. The Corporation will give the Contractor reasonable notice of any changes in routes and schedules and the Corporation shall cause any such changes to be properly advertised and posted at its expense.

3. All vehicles used or operated under the authority of this Agreement shall be at all times fully equipped with approved safety devices and shall be kept and maintained in first class, serviceable condition and present at all times a good appearance and all vehicles while in operation shall be kept in a clean, sanitary condition. Notwithstanding the generality of the foregoing, such buses shall be lighted and heated at such hours and at such periods of the year as may be necessary.

4. The Contractor shall before operating any vehicles under the authority of this Agreement, obtain from the Board of Commissioners of



Police for the City of Chatham, a license for each vehicle and shall pay the requisite fee for such license or licenses. The Contractor shall maintain such licenses and permits as may be necessary to carry out its obligations under this Agreement.

5. The Contractor will indemnify and save harmless the Corporation from any and all claims or demands made or brought against the Corporation by any person or persons for damages arising out of the maintenance and operation of buses by the Contractor for the conveyance of passengers within the limits of the City of Chatham or other operations carried on by the Contractor within the limits of the City of Chatham, save and except those claims or demands which arise from the negligence of the Corporation, its servants and agents. The Contractor shall maintain public liability insurance and property damage coverage, inclusive in the minimum amount of \$5,000,000.00 for any one occurrence and shall file proof of such insurance with the Clerk of the Corporation, provided however, that the amount of such insurance coverage shall be reviewed annually by the parties and shall be subject to increase as may be mutually agreed upon to provide reasonable coverage for the parties.

6. The Corporation agrees to pass such by-laws as the Corporation in its sole and untrammelled opinion and discretion deems to be essential to conduct a proper transportation system in, over and upon the streets or highways within the limits of the City of Chatham.

7. The Corporation shall during the terms of this Agreement by by-law provide sufficient bus stops as the Contractor may require to conduct its business of carrying passengers as may be agreed upon between the parties hereto and the Corporation shall adequately mark and maintain said bus stops at its expense. The Corporation shall provide for the reservation of such bus stops for the use of the buses of the Contractor during scheduled hours and shall prohibit parking on such reserved spaces during the said scheduled hours. The Corporation shall post such signs and notices at bus stops as shall be required by the Corporation or as shall be mutually agreed upon.

8. The Corporation shall during the term of this Agreement by by-law regulate traffic in the City of Chatham to enable the Contractor to operate its buses efficiently. The Corporation agrees to assist the Contractor in preventing railroads from blocking streets or highways for periods of over 5 minutes at one time except as permitted by law.

9. The Corporation agrees to keep all streets and highways upon which the Contractor is operating regular routes under the terms hereof in a reasonably good state of repair at all times and if by reason of unusual weather conditions or other circumstances, any of such streets or highways become impassable, then in such event, the Corporation agree to act as promptly as is possible in making such streets or highway passable. Until such condition as caused by unusual weather conditions or other circumstances is remedied, the Contractor may on notice to the City Manager of the Corporation, re-route its buses over such other streets or highways in the City of Chatham as in the opinion of the Contractor may be deemed advisable.

10. During the term of this Agreement or until the termination thereof the Corporation shall not in any way depreciate the right, privilege or franchise hereby granted, and shall not grant or permit to be granted to any other person, partnership, firm or corporation, any right, privilege, license or franchise to construct, maintain, use or operate any lines of railway for local passenger trips, or any bus, jitney or other similar vehicles for the purpose of transporting passengers for gain or hire, the operation of which will come into competition with the transportation system of the Contractor.

Provided that any such grant to operate a bus or jitney or other similar vehicle between any points in the City and any locality outside of the City not served by the transportation system of the Contractor shall not be deemed to depreciate the said right, privilege or franchise. In no case shall any bus, jitney or similar vehicle be permitted to take on passengers within the City and discharge the said passengers within the City. Provided further that this section shall not apply to any ordinary cabs or taxicabs kept for hire and used for transportation not over a fixed route, at fares fixed by the Board of Police Commissioners of the City of Chatham. In the event of any transportation of passengers over which the Corporation has no power or control, then the Corporation is not to be held liable for any loss or damage sustained by the Contractor by reason thereof.

11. The rate of fares for conveyance of passengers shall be,

- (a) Adult Fare—.30¢ cash or 4 tickets for \$1.00.
- (b) Children being transported to and from Elementary and Secondary Schools on school days only—.20¢ cash or 6 tickets for \$1.00.
- (c) Children under 12 years in age, at all times—.20¢ cash or 6 tickets for \$1.00.
- (d) Senior Citizens at all times—.20¢ cash or 6 tickets for \$1.00.
- (e) Children under 5 years of age—free when accompanied by an adult person.

For the purposes of this Agreement, a Senior Citizen is one who has attained the age of 65 years and who produces an identification card identifying him as such a person.

The Contractor shall collect the fares in accordance with the foregoing schedule on behalf of the Corporation and all revenue collected for transportation provided pursuant to the terms of this Agreement shall be the property of the Corporation and delivery of such revenue shall be made when and where the Corporation may require.

The fares in accordance with the foregoing shall not be changed, altered or otherwise varied by the parties hereto except by Council of the Corporation as expressed by resolution.

12. The Corporation covenants to pay to the Contractor, a price for each mile its buses are operated in providing the transportation service required hereunder (excluding mileage for special buses and chartered trips within the City) determined as hereinafter set forth. The mileage to be paid for shall be determined on a basis whereby the distances of the routes travelled are logged by both parties and in default of agreement to be settled by arbitration as hereinafter set forth. The total number of trips over such routes are counted and the mileage shall be determined by multiplying the mileage distance of the routes by the number of trips made over each of such routes. Payments on account of the price per mile shall be made every two weeks according to the mileage logged during the immediately preceding two weeks.

The price per mile shall be determined by January 1 and July 1 of each year by adding to the cost as determined by audited statements dated December 31 and June 30, immediately preceding based on the cost factors listed under Column "Item" in Schedule "A" hereto, 3.3¢ per mile, provided however, that in lieu of the actual cost of wages as set forth in such schedule,



the estimated actual cost of wages for the succeeding six month period shall be used in the determination of the price per mile. When the audited statement at the end of each six months has been prepared and released, an adjustment shall be made so as to bring the payments made over the previous six months to the actual cost per mile plus 3.3¢ per mile. Any payment due to either party on such adjustment shall be made within thirty days after demand therefor. Semi-annual auditor's statements of the Contractor's operations under this Agreement shall be furnished to the Corporation within 30 days from the end of the six month period immediately preceding and all business records of the Contractor pertaining to operations by the Contractor under the terms of this Agreement shall be made available if requested, by the Corporation to the Corporation or its auditors.

The operating costs and depreciation charges in respect of the special buses referred to in Paragraph 2 of this Agreement shall be excluded in calculating operating costs per mile, but these costs and charges shall be billed to and paid by the Corporation as may be mutually agreed upon.

If after the payments of the stipulated price per mile is made to the Contractor as herein provided there then remains a surplus of receipts from fares in any calendar year. The surplus up to what would amount to 3¢ per mile of operation (in respect of the amount of mileage upon which the Contractor is being paid as set forth in this paragraph) in such calendar year shall be and remain the property of the Corporation and should there be any surplus over the amount as is reserved to the Corporation, such additional surplus shall be divided equally between the parties.

13. The Contractor covenants and agrees that prior to entering into any new employment contract with its employees which might affect the terms of this Agreement or the payments to be made by the Corporation to the Contractor hereunder, the Contractor will obtain the approval of the Corporation to the terms of such new employment contract. The Contractor further covenants and agrees that salaries for management which might affect the terms of this Agreement or the payments to be made by the Corporation to the Contractor hereunder, shall not be changed except in accordance with Paragraph 21 hereof.

14. The Contractor covenants and agrees to put in service a minimum of seven modern buses in good condition and to have ready at all times for service, three spare buses also in good condition; the Contractor covenants and agrees to expand and extend its service to meet all requirements of a passenger transportation system within the limits of the City of Chatham from time to time and for this purpose to obtain such further new buses subject to an allowance of reasonable time to obtain delivery thereof.

15. The performance under this Agreement by the Contractor as to the service to be provided by it shall be excused during such time as performance may be rendered impossible by strike, disaster, act of God, or act of the Corporation or other cause beyond the control of the Contractor.

16. The Contractor shall not assign this Agreement and/or sell its capital assets which are required for the due performance of its obligations hereunder to any person, corporation or entity without the express consent of the Corporation as expressed by resolution of Council.

17. In the event that either party does not fully perform its obligations hereunder and fails to correct the default within 10 days of receiving a written demand to do so or in the event that the Contractor fails to operate the passenger transportation system and fails to correct that default within 72 hours of receiving a written demand to do so and provided that any such default as herein set out is not exonerated by virtue of Paragraph 15 hereof

then the other party may forthwith terminate this Agreement by giving the defaulting party a notice in writing to this effect.

18. Either Party may terminate its obligations under this Agreement after December 31st, 1978 or any December 31st thereafter upon giving at least six months' notice in writing to the other Party prior to the December 31st of the year in which the Agreement is to be terminated. If this Agreement is terminated by the Corporation prior to December 31st, 1987, except where terminated by reason of default of the Contractor, the Corporation shall, if requested by the Contractor, purchase all buses owned by the Contractor, used in the City service under this Agreement, at their then book value as established by the auditors' records prepared for the Contractor at the time. The Contractor agrees that in its accounting, its buses shall be depreciated ten percent of cost per annum for a period of ten years from the date of purchase of each bus, and that when, in respect of each bus, the ten-year period has expired, no charge for depreciation of such bus shall thereafter be included in its operating costs.

19. The Corporation agrees to apply to the Province of Ontario for such powers as will enable it to do, perform and carry out each and every of the Agreements and covenants on its part as herein contained.

20. If at any time during or after the term of the Agreement any dispute, difference or question shall arise between the parties hereto, or any of their representatives, touching this Agreement, or any part thereof, or the construction, meaning or effect of this Agreement or any part thereof, or anything herein contained, or the rights or liabilities of the parties, or their representatives, under this Agreement or otherwise, in relation to the premises, and if said matter cannot be settled by the parties hereto by negotiation, then every such dispute, difference or question shall be referred to a single arbitrator, if the parties agree upon one, otherwise to three arbitrators, one to be appointed by each party to the reference, and the third arbitrator to be appointed by the other two arbitrators, in writing before they enter upon the business of the reference. If either party shall refuse, or neglect to appoint an arbitrator within thirty days after the other party shall have appointed an arbitrator, and shall have served a written notice upon the first mentioned party requiring such party to make such appointment, then the arbitrator first appointed shall, at the request of the party appointing him, proceed to hear and determine the matter in difference as if he were a single arbitrator appointed by both parties for the purpose and the award or determination which shall be final and binding on the parties herein, their successors and assigns, and shall not be subject to appeal to any Court or Courts.

21. The parties agree that the percentages and the allocation for management provided in Schedule "A" hereto may be changed by mutual agreement, and in the event that either party desires a change in any of such percentage figures or allocation to which the other party does not agree, the proposed change in the percentage or allocation shall be submitted to and settled by arbitration as provided for in Section 20 hereof. The allowance (which is set at 3.3¢ per mile as set forth on Schedule "A" and referred to in Paragraph 12 hereof) may be changed by the mutual agreement of the parties hereto but it is not an item which may be submitted to arbitration in default of agreement thereon.

22. The Corporation and the Contractor agree that the Contractor, its servants, agents and employees shall under no circumstances be deemed agents or representatives of the Corporation and except as the Corporation may specifically authorize in writing shall have no right to enter into any contracts or commitments in the name of or on behalf of the Corporation or to bind the Corporation in any respect whatsoever.

23. This Agreement shall be governed in accordance with the laws of the Province of Ontario.

24. Any notice required or permitted to be given under this Agreement shall be in writing and shall be given by any means reasonably calculated to reach the other party, including without limiting the generality of the foregoing, telegram, cablegram or prepaid mail addressed at its address. Such notice if given by telegram or cablegram shall be deemed to have been received on the day following the dispatch thereof and the notice given as aforesaid by prepaid mail shall be deemed to have been received not later than the second day following the mailing thereof. For the purpose of this Agreement, the address of the Corporation shall be as follows:

City Hall,  
P.O. Box 640,  
Chatham, Ontario,

and the address of the Contractor shall be as follows:

165 King Street East,  
Chatham, Ontario.

Either party by notice in writing given as hereinbefore provided may change its address for notice hereunder and such address as so changed shall be deemed to be the address of such party for the purposes of notice hereunder.

25. The Contractor shall not be prohibited by this Agreement from conducting its operations by way of charter bus operation within the City of Chatham, provided however, that such charter bus operation shall not in any way affect or be in competition with any services to be provided by the Contractor under this Agreement.

26. This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals duly attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED  
in the presence of

THE CORPORATION OF THE CITY OF  
CHATHAM

.....  
*Mayor*

.....  
*Clerk*

J. I. DeNure (CHATHAM) LIMITED

.....  
.....



# *SCHEDULE "A"*

## STATEMENT OF OPERATING COSTS CHARGED TO CITY RUNS PERIOD OF SIX MONTHS ENDED

ITEM	BASIS OF CALCULATION	AMOUNT CHARGED
Bus sundry expense	20%	
Garage supplies & expenses	20%	
Gasoline or diesel fuel	Actual Cost	
Grease & oil	20%	
Insurance—buses—fire, theft & liability (liability—public liability and prop- erty damage up to \$5,000,000.00 in- clusive)	Actual Cost	
Licences	Actual Cost	
Bus repairs, parts	20%	
Bus repairs, tires	1 ¢ per mile travelled	
Taxes property and business	20%	
Unemployment insurance	Actual Cost	
Uniforms	60%	
Wages	Actual Cost	
Water	50%	
Depreciation provisions		
Building—10% of depreciated value (declining balance method)		
Buses—10% of cost price to contractor (straight line method)		
Service truck—50% of depreciation based on 20% of depreciated value (declining balance method)		
Radios—10% of cost price to contractor (straight line method)		
Management	40%	
Accounting	20%	
General Expense	20%	
Group insurance, OHIP and compensation	Actual Cost	
Light and heat	20%	
Office expense	20%	
Pension Fund	5% of wages	
Parking Lot rent	20%	
Stationery and printing	Actual Cost	
Telephone	20%	
Insurance on buildings	20%	
Body shop labour	Actual Cost	
<b>TOTAL</b>		<b>\$</b>

Calculation of price per mile —

(a) Miles travelled in City operations

(b) Charged to City operations

(c) Cost per mile — City operations

$$\frac{(b)}{(a)} = \text{¢}$$

(d) Allowance 3.3 ¢

Price per mile is (c) plus (d) =







An Act respecting the City of Chatham

---

*1st Reading*

November 15th, 1977

*2nd Reading*

November 25th, 1977

*3rd Reading*

November 25th, 1977

---

MR. MCGUIGAN

---

*Pauline G. G. Sifton*  
BILL Pr31

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting Garnet Holdings Limited**

---

MR. JOHNSON

---



Handwritten text at the top of the page, possibly a title or header.

First line of faint, illegible text.

Second line of faint, illegible text.

Third line of faint, illegible text.

Fourth line of faint, illegible text.

Fifth line of faint, illegible text.

Sixth line of faint, illegible text.

Seventh line of faint, illegible text.

Eighth line of faint, illegible text.

Ninth line of faint, illegible text.

Tenth line of faint, illegible text.

BILL Pr31

1977

## An Act respecting Garnet Holdings Limited

**W**HEREAS Frances Pendrith hereby represents that Preamble  
 Pendrith Machinery Company, Limited, herein called  
 the Corporation, was incorporated by letters patent dated  
 the 23rd day of December, 1930; that by supplementary  
 letters patent, dated October 25th, 1962, the name of the  
 Corporation was changed to Garnet Holdings Limited;  
 that the Minister of Consumer and Commercial Relations  
 by order dated the 5th day of July, 1972, and made under  
 the authority of subsection 3 of section 251 of *The Business* R.S.O. 1970.  
c. 53  
*Corporations Act*, cancelled the certificate of incorporation  
 for default in filing annual returns and declared it to be  
 dissolved on the 9th day of August, 1972; that the applicant  
 was the holder of the majority of the common shares of the  
 Corporation; that default in filing annual returns occurred  
 by reason of inadvertence; that the Corporation at the time  
 of its dissolution owned certain real property; and whereas  
 the applicant hereby applies for special legislation reviving  
 the Corporation; and whereas it is expedient to grant the  
 application;

Therefore, Her Majesty, by and with the advice and  
 consent of the Legislative Assembly of the Province of  
 Ontario, enacts as follows:

1. Garnet Holdings Limited, incorporated by letters patent Garnet  
Holdings  
Limited  
revived  
 dated the 23rd day of December, 1930, as amended by  
 supplementary letters patent dated October 25th, 1962,  
 changing the name to Garnet Holdings Limited from  
 Pendrith Machinery Company, Limited is hereby revived and  
 is, subject to any rights acquired by any person after its  
 dissolution, hereby restored to its legal position as a com-  
 pany incorporated by letters patent, including all its prop-  
 erty, rights, privileges and franchises and subject to all its  
 liabilities, contracts, disabilities and debts as at the date of  
 its dissolution in the same manner and to the same extent  
 as if it had not been dissolved.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is *The Garnet Holdings Limited Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25* 19 *77*

ASSEMBLY PROROGUED

*December 16* 19 *77*

*Robert Lewis*

CLERK  
LEGISLATIVE ASSEMBLY









An Act respecting  
Garnet Holdings Limited

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. JOHNSON

---

*Pauline G. G. Gibbon*  
BILL Pr32

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting Stanley Starr Limited**

---

MR. CUREATZ

---





BILL Pr32

1977

## An Act respecting Stanley Starr Limited

**W**HEREAS Stanley Starr hereby represents that Stanley Starr Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 16th day of April, 1963; that the Minister of Consumer and Commercial Relations by order dated the 7th day of March, 1973 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 7th day of March, 1973; that the applicant was a director and the holder of a majority of the common shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by subsection 2 of section 251 of *The Business Corporations Act*, although sent to the applicant as director, was not received by him and he was not aware of the dissolution of the Corporation until more than one year after the date thereof; that the Corporation at the time of its dissolution was and is now carrying on active business; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,  
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Stanley Starr Limited, incorporated by letters patent dated the 16th day of April, 1963 is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Stanley  
Starr  
Limited  
revived

Commence-  
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Stanley Starr Limited Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 19 77*

ASSEMBLY PROROGUED

*December 16 19 77*

*Robert Lewis*

CLERK  
LEGISLATIVE ASSEMBLY









An Act respecting Stanley Starr Limited

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. CUREATZ

---

*Revised by G. G. Dillon*  
BILL Pr33

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting Kedna Enterprises Limited**

---

MR. MACKENZIE

---





BILL Pr33

1977

## An Act respecting Kedna Enterprises Limited

**W**HEREAS Edward R. Madronich, Mary N. Madronich <sup>Preamble</sup> and Mary A. Hall hereby represent that Kedna Enterprises Limited, herein called the Corporation, was incorporated by letters patent dated the 16th day of August, 1967; that the Minister of Consumer and Commercial Relations by order dated the 21st day of November, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared it to be dissolved on the 26th day of December, 1973; that the applicants were all the directors and the holders of all the common shares of the Corporation at the time of its dissolution; and that the Corporation at the time of its dissolution was and is now carrying on an active business in premises known as 1192 Barton Street East, Hamilton, Ontario; that the applicants have been advised that since the dissolution of the Corporation that another company has been incorporated with a name similar to that of the Corporation and that pursuant to the provisions of *The Business Corporations Act*, the name Kedna Enterprises Limited is no longer available to the Corporation; and whereas the applicants hereby apply for special legislation changing the name and reviving the Corporation; and whereas it is expedient to grant the application; <sup>R.S.O. 1970, c. 53</sup>

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Kedna Enterprises Limited, incorporated by letters patent dated the 16th day of August, 1967, is hereby revived <sup>Kedna Enterprises Limited revived</sup> and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Change  
of name

**2.** The name of the Corporation is hereby changed from  
Kedna Enterprises Limited to 205406 Ontario Limited.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal  
Assent.

Short title

**4.** The short title of this Act is *The Kedna Enterprises  
Limited Act, 1977.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 25 19 77

ASSEMBLY PROROGUED December 16 19 77

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY









An Act respecting  
Kedna Enterprises Limited

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. MACKENZIE

---

*Pauline G. G. S. H.*

**BILL Pr34**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sarnia**

---

MR. BLUNDY

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. MACKENZIE

---

*Pauline G. G. S. H.*

**BILL Pr34**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sarnia**

---

MR. BLUNDY

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act respecting  
Kedna Enterprises Limited

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. MACKENZIE

---

*Pauline G. G. S. H.*

**BILL Pr34**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sarnia**

---

MR. BLUNDY

---



---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. MACKENZIE

---

*Pauline G. G. S. H.*  
**BILL Pr34**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sarnia**

---

MR. BLUNDY

---

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. MACKENZIE

---

*Pauline G. G. S. H.*

**BILL Pr34**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sarnia**

---

MR. BLUNDY

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



An Act respecting  
Kedna Enterprises Limited

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. MACKENZIE

---

*Pauline G. G. G. G.*  
**BILL Pr34**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sarnia**

---

MR. BLUNDY

---

An Act respecting  
Kedna Enterprises Limited

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. MACKENZIE

---

*Pauline P. P. S. H.*

**BILL Pr34**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sarnia**

---

MR. BLUNDY

---



An Act respecting  
Kedna Enterprises Limited

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 15th, 1977

---

MR. MACKENZIE

---

*Pauline G. G. S. H.*

**BILL Pr34**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Sarnia**

---

MR. BLUNDY

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

1875  
For the year ending  
1875

Received of the  
Hon. Secy of the Navy

the sum of \$100,000

for the purchase of  
arms and accoutrements

for the use of the  
Army

1875

BILL Pr34

1977

## An Act respecting the City of Sarnia

**W**HEREAS The Corporation of the City of Sarnia hereby <sup>Preamble</sup> represents that the Corporation has received a conveyance of the lands described in the Schedule hereto, which lands form part of an assembly of lands acquired by the Corporation for the purposes of the Ontario Downtown Revitalization Programme; that it has been ascertained that the estate in fee simple to the lands described in the Schedule hereto has not been previously conveyed since 1850; that the lands described in the Schedule hereto have been described as lanes or rights-of-way and have been used, occupied and maintained by J. L. Kennedy Limited for at least twenty-five years, and have also been used during that time for passage by the public at large; that over a period in excess of thirty years, J. L. Kennedy Limited acquired title in fee simple to all of the lands abutting the lands described in the Schedule hereto; that on the 20th day of September, 1977, J. L. Kennedy Limited conveyed to The Corporation of the City of Sarnia all of the lands abutting the lands described in the Schedule hereto; that all interests of J. L. Kennedy Limited in the lands described in the Schedule hereto were conveyed to The Corporation of the City of Sarnia by a deed in fee simple dated the 15th day of September, 1977, and registered in the Registry Office for the Registry Division of Lambton on the 20th day of September, 1977, as Instrument Number 421017; that for the purposes of implementing the said Ontario Downtown Revitalization Programme it is desirable to assure to the Corporation the estate in the said lands subject to no other interest or claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands described in the Schedule hereto shall be deemed to have vested in fee simple in The Corporation of <sup>Lands  
vested in  
Corporation</sup>



the City of Sarnia on the 20th day of September, 1977, and to have been on that date immediately after registration of a deed by J. L. Kennedy Limited to The Corporation of the City of Sarnia dated the 15th day of September, 1977, free from all rights, trusts, interests, limitations, restrictions or covenants whatsoever.

Commence-  
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The City of Sarnia Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 1977*

ASSEMBLY PROROGUED

*December 16 1977*

*[Signature]*

CLERK  
LEGISLATIVE ASSEMBLY

## SCHEDULE

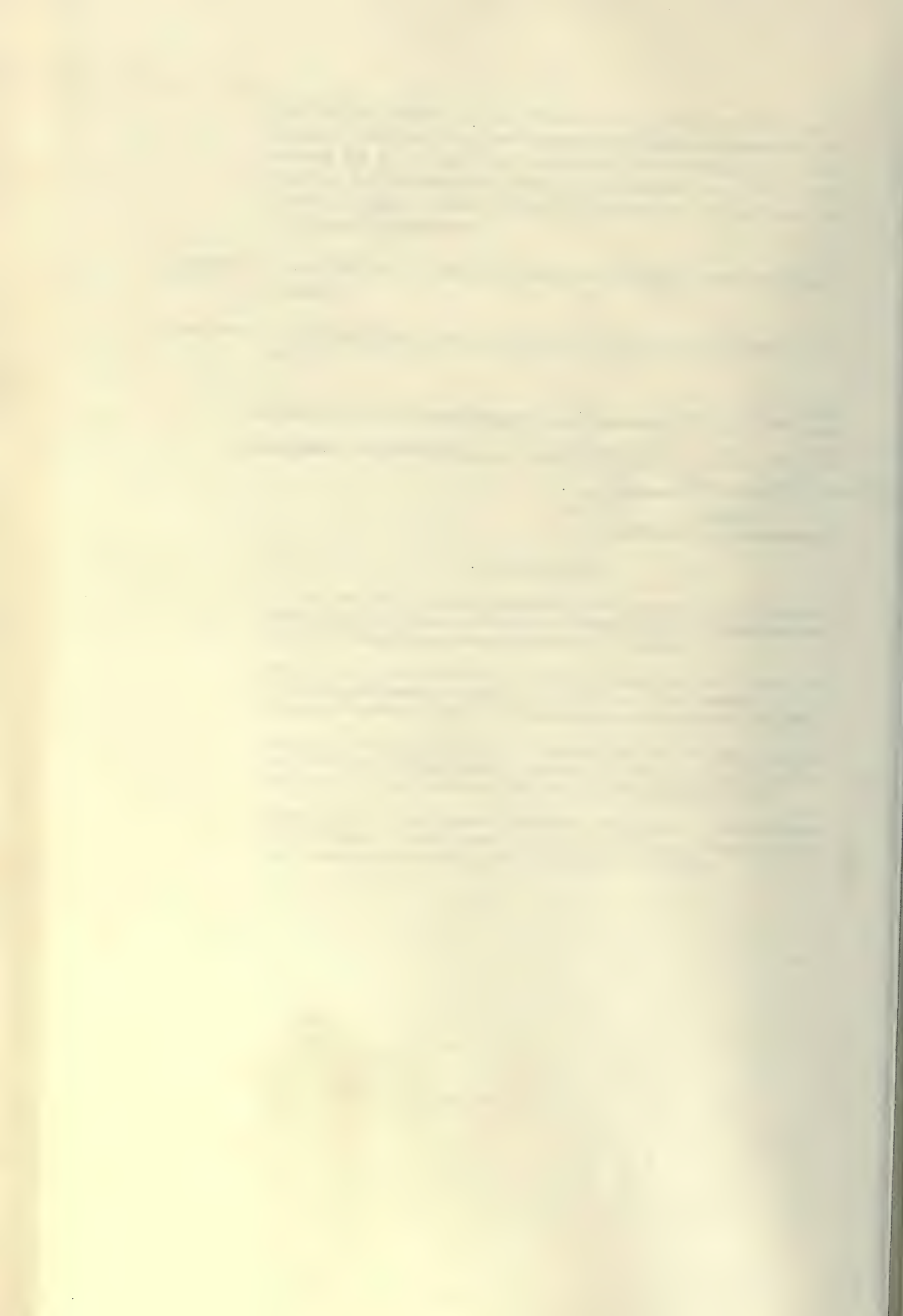
ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Sarnia, County of Lambton and Province of Ontario, more particularly described as follows:

*Firstly*, All of the land shown as a lane on Registered Plan Number 30 for the City of Sarnia, designated as Part 16 on a Plan deposited in the Registry Office for the Registry Division of Lambton as Number 25R 2288;

*Secondly*, Part of Lot lettered "G" on the East side of Christina Street and North side of George Street, according to Registered Plan 14 for the City of Sarnia and designated as Part 10 on said Plan 25R 2288; and

*Thirdly*, Part of Lot lettered "K" on the East side of Christina Street and North side of George Street, according to Registered Plan 14 for the City of Sarnia and designated as Part 13 on said Plan 25R 2288.









An Act respecting the City of Sarnia

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 22nd, 1977

*3rd Reading*

November 22nd, 1977

---

MR. BLUNDY

---

*Pauline G. L. S. H.*  
**BILL Pr35**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting  
Shore and Horwitz Construction Company Limited**

---

MR. HANDLEMAN

---



BILL Pr35

1977

## An Act respecting Shore and Horwitz Construction Company Limited

**W**HEREAS Philip Horwitz, J. C. Horwitz and Audrey Horwitz hereby represent that Shore and Horwitz Construction Company Limited, herein called the Corporation, was incorporated by letters patent dated the 17th day of December, 1951; that the Minister of Consumer and Commercial Relations by order dated the 16th day of May, 1973 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared it to be dissolved on the 20th day of June, 1973; that the applicants were all the directors of the Corporation at the time of its dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution was and is now carrying on active business; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,  
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Shore and Horwitz Construction Company Limited, incorporated by letters patent dated the 17th day of December, 1951, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Shore and  
Horwitz  
Construction  
Company  
Limited  
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. The short title of this Act is *The Shore and Horwitz Construction Company Limited Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 25 1977

ASSEMBLY PROROGUED December 16 1977

*[Signature]*

CLERK  
LEGISLATIVE ASSEMBLY





BILL Pr35

1977

## An Act respecting Shore and Horwitz Construction Company Limited

**W**HEREAS Philip Horwitz, J. C. Horwitz and Audrey Horwitz hereby represent that Shore and Horwitz Construction Company Limited, herein called the Corporation, was incorporated by letters patent dated the 17th day of December, 1951; that the Minister of Consumer and Commercial Relations by order dated the 16th day of May, 1973 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared it to be dissolved on the 20th day of June, 1973; that the applicants were all the directors of the Corporation at the time of its dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution was and is now carrying on active business; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,  
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Shore and Horwitz Construction Company Limited, incorporated by letters patent dated the 17th day of December, 1951, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Shore and  
Horwitz  
Construction  
Company  
Limited  
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. The short title of this Act is *The Shore and Horwitz Construction Company Limited Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Loe 25 1977

ASSEMBLY PROROGUED December 16 1977

*[Signature]*

CLERK  
LEGISLATIVE ASSEMBLY

An Act respecting  
Shore and Horwitz Construction  
Company Limited

---

*1st Reading*

November 9th, 1977

*2nd Reading*

November 22nd, 1977

*3rd Reading*

November 22nd, 1977

---

MR. HANDLEMAN

---

*Pauline G. G. G. G.*  
**BILL Pr36**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the City of Thunder Bay**

---

**MR. HENNESSY**

---





BILL Pr36

1977

## An Act respecting the City of Thunder Bay

**W**HEREAS The Corporation of the City of Thunder Bay, Preamble  
 herein called the Corporation, represents that for the  
 purpose of constructing one or more pedestrian promenades  
 as part of a redevelopment plan under section 22 of *The R.S.O. 1970,*  
*Planning Act*, the council of the Corporation requires powers c. 349  
 in addition to any which it may have under any general or  
 special Act; and whereas the Corporation hereby applies  
 for special legislation for such purpose; and whereas it  
 is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and  
 consent of the Legislative Assembly of the Province of  
 Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "enclosed or covered pedestrian promenade" in-  
cludes a pedestrian promenade which is,
  - (i) wholly or partly enclosed, or
  - (ii) wholly or partly covered;
- (b) "highway" includes a common and public highway,  
a street, lane, sidewalk, avenue, parkway, driveway,  
square, place, bridge, viaduct or trestle, intended  
for or used by the general public for the passage of  
vehicular or pedestrian traffic;
- (c) "occupant" means any person or persons over  
the age of eighteen years in possession of the land,  
building, structure or premises in connection with  
which the word is used;
- (d) "owner" includes the person for the time being  
managing or receiving the rent of the land, build-  
ing, structure or premises in connection with which

the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

- (e) "pedestrian promenade" means a pedestrian promenade established under this Act.

Power  
to pass  
by-laws  
respecting  
pedestrian  
promenades  
R.S.O. 1970,  
c. 349

2.—(1) Notwithstanding any general or special Act, the council of the Corporation, for the purpose of carrying out a redevelopment plan under section 22 of *The Planning Act*, may pass by-laws for,

- (a) establishing all or any part of any highway under the jurisdiction of the Corporation solely or principally as a pedestrian promenade;
- (b) regulating or prohibiting the access to and the use of a pedestrian promenade by persons or vehicles or any class thereof except to such extent or for such period or periods of time as may be specified;
- (c) permitting the obstruction of any highway established as a pedestrian promenade in such manner and to such extent as the by-law may provide;
- (d) subject to *The Building Code Act, 1974*, constructing, maintaining and operating pedestrian promenades;
- (e) subject to *The Building Code Act, 1974*, enclosing or covering, wholly or partly, a pedestrian promenade;
- (f) requiring the owner of any land abutting, or of any building or structure situate on land abutting a pedestrian promenade to permit the installation or attachment of any structure or thing required to enclose or cover, wholly or partly, a pedestrian promenade, on or to the land, building or structure of such owner;
- (g) authorizing the Corporation to enter into agreements with the owners of lands, buildings, or structures abutting a pedestrian promenade for the construction, maintenance, use and operation of such pedestrian promenade and such agreements when registered on the title of the land shall run with the land to the benefit of the Corporation;

1974, c. 74



- (h) requiring the owners of the whole or any part of any building or structure situate on lands abutting an enclosed or covered pedestrian promenade to provide and maintain in or for the building or structure or part thereof, such heating, ventilating, air conditioning, fire sprinkler, fire alarm and fire prevention and control systems and facilities as the by-law may require and regulating the time and manner of operation of such systems;
- (i) regulating and controlling the construction, maintenance and use of all doors, windows and other openings to an enclosed or covered pedestrian promenade whether from a highway abutting the pedestrian promenade or from lands or from buildings or structures situate on lands abutting the pedestrian promenade;
- (j) regulating the exchange of air, heat, sound, odour and light between an enclosed or covered pedestrian promenade and buildings or structures situate on lands abutting the pedestrian promenade;
- (k) prohibiting the occupancy or use of the whole or any part of any building or structure that does not comply with, or is used in a manner contrary to, the by-law;
- (l) prohibiting access to an enclosed or covered pedestrian promenade from lands, buildings and structures abutting thereon in respect of which there is a contravention of a by-law enacted pursuant to clause g, h, i, j or k or for reasons of safety;
- (m) entering into leases and licensing agreements respecting areas in or on a pedestrian promenade with such persons, and for such purposes as the council of the Corporation considers appropriate including purposes otherwise prohibited, regulated or governed by by-laws passed pursuant to *The Municipal Act*,  
R.S.O. 1970,  
c. 284
and upon such terms as the council of the Corporation may deem desirable; and
- (n) prohibiting persons from soliciting or importuning in or on a pedestrian promenade others to travel in or employ any vehicle or vessel, or to go to any motel, hotel, tourist home, restaurant, auction, game, exhibition, display, theatre, show or other place for the lodging, reception, refreshment, amuse-



ment or entertainment of the public, or for regulating persons so employed.

Application  
of  
R.S.O. 1970,  
c. 349, s. 36

(2) A by-law passed for the purposes of clause *h*, *i*, *j* or *k* of subsection 1 shall be deemed to have been passed pursuant to section 36 of *The Planning Act* and subsections 1 and 4 to 23 of the said section 36 apply, with all necessary modifications, to any such by-law.

Special  
rates

3.—(1) A by-law passed pursuant to this Act may provide, with the approval of the Ontario Municipal Board, that the capital cost of any enclosed or covered pedestrian promenade or any part thereof or any operating deficit in the previous year or any part thereof shall be levied as a special rate against the lands in a defined area within the redevelopment area that in the opinion of the council of the Corporation derive special benefit therefrom, provided the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area.

Computation  
of  
special  
rates

(2) Where a by-law includes provision for a special rate pursuant to subsection 1, the entire costs chargeable to lands in the defined area shall be apportioned among all the parcels by any or all or any combination of the following methods,

- (a) in accordance with the benefits accruing to a parcel of land from the establishment or operation of the enclosed or covered pedestrian promenade;
- (b) in the proportion that the assessment of each parcel of land bears to the total assessment of the parcels in the defined area;
- (c) by an equal special rate per foot of frontage of the parcels of land abutting directly on the enclosed or covered pedestrian promenade, according to the extent of their respective frontages thereon.

Exemption  
from, or  
reduction  
of, special  
rate

(3) Where the council of the Corporation is of the opinion that any parcel of land has not benefitted from the establishment of an enclosed or covered pedestrian promenade to the same extent as other parcels within a defined area, the council of the Corporation may, in the by-law levying the costs, exempt such parcel from the special rate or make a reduction in the amount of the costs that would otherwise be levied against that parcel.

Commutation  
of special  
rates

(4) The council of the Corporation may by general by-law or by a by-law applicable to the particular pedestrian promenade prescribe the terms and conditions upon which

persons whose lands are specially charged may commute for a payment in cash the special rate imposed thereon in respect of the capital costs of a pedestrian promenade.

(5) The net revenue derived from the operation of the enclosed or covered pedestrian promenade shall be used firstly to reduce any special rate levied under subsection 1 to be made against the lands in a defined area in the proportion that the special rate made against each parcel of land bears to the total special rate.

Application  
of  
revenues  
from  
operation  
of  
pedestrian  
promenade

(6) Where, subsequent to the effective date of the by-law imposing a special rate pursuant to subsection 1, the council of the Corporation is of the opinion that,

Reapportionment

- (a) the special benefit derived from the enclosed or covered pedestrian promenade by a parcel of land in the defined area has increased or decreased from that shown in the by-law;
- (b) a parcel of land in the defined area has begun to derive or has ceased to derive a special benefit from the enclosed or covered pedestrian promenade; or
- (c) a parcel of land outside the defined area has begun to derive a special benefit therefrom,

the council of the Corporation may at any time and from time to time by a by-law, passed with the approval of the Ontario Municipal Board,

- (d) reapportion the balance of the costs mentioned in subsection 1 so that such costs shall be apportioned against each parcel of land that, in the opinion of the council of the Corporation, derives such special benefit; and
- (e) redefine the area in the municipality that, in the opinion of the council of the Corporation, contains the lands that derive a special benefit from the enclosed or covered pedestrian promenade.

(7) The special rates imposed under this section shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes and the proceedings that may be taken in default of payment thereof, apply.

Application  
of  
R.S.O. 1970,  
c. 284

4. Part XXI of *The Municipal Act* applies to a by-law enacted pursuant to section 2.

Enforcement and penalties

Commence-  
ment

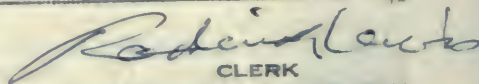
5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is *The City of Thunder Bay Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 14 19 77

ASSEMBLY PROROGUED December 16 19 77

  
CLERK  
LEGISLATIVE ASSEMBLY









An Act respecting  
the City of Thunder Bay

---

*1st Reading*

December 8th, 1977

*2nd Reading*

December 15th, 1977

*3rd Reading*

December 15th, 1977

---

MR. HENNESSY

---

BILL 1

*Pauline L. L. S. H.*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend  
The Unified Family Court Act, 1976**

---

THE HON. R. McMURTRY  
Attorney General

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 1

1977

**An Act to amend  
The Unified Family Court Act, 1976**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Unified Family Court Act, 1976*, being chapter 85, is amended by inserting after "Court" in the third line "and a judge of a surrogate court". s. 3 (1),  
amended
- (2) Subsection 2 of the said section 3 is amended by inserting after "Court" in the third line "and a judge of a surrogate court". s. 3 (2),  
amended
- (3) Subsection 3 of the said section 3 is amended by striking out "under the statutory provisions" in the second line. s. 3 (3),  
amended
- (4) Subsection 4 of the said section 3 is amended by, s. 3 (4),  
amended
  - (a) striking out "or" in the second line and inserting after "division" in the third line "or a judge of a surrogate court"; and
  - (b) striking out "or" in the fourth line and inserting after "division" in the fifth line "or a surrogate court".
- (5) Subsection 4 of the said section 3 is further amended by striking out "under the statutory provisions" in the sixth line. s. 3 (4),  
amended
- (6) Subsections 1, 2 and 4 are repealed on a day to be named by proclamation of the Lieutenant Governor. Repeal of  
subss. 1, 2, 4
2. Subsection 1 of section 4 of the said Act is amended by striking out "under the statutory provisions" in the second line and inserting in lieu thereof "in the matters". s. 4 (1),  
amended
- 3.—(1) The said Act is amended by adding thereto the following section: s. 5a,  
enacted

Enforcement  
of orders  
under  
R.S.O. 1970,  
c. 369, s. 25

5a.—(1) Section 25 of *The Provincial Courts Act* applies, with necessary modifications, to the filing of judgments or orders in the Court and their enforcement, and judgments and orders filed in the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth under the said section 25 shall be transferred to and be deemed to be filed in the Court.

Variation  
of orders  
under  
R.S.O. 1970,  
c. 128

(2) The jurisdiction of the Court under section 8 of *The Deserted Wives' and Children's Maintenance Act* to rehear applications applies notwithstanding that the original order was made by a judge of the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth.

Repeal of  
section

(2) This section is repealed on a day to be named by proclamation of the Lieutenant Governor.

s. 23,  
amended

4. Section 23 of the said Act is amended by adding thereto the following subsections:

Application  
of subs. 1  
to proceed-  
ings already  
commenced

(2) Where a proceeding is commenced in the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth before subsection 1 comes into force and no evidence has been heard in the proceeding before subsection 1 comes into force, other than in respect of an interim order, the proceeding shall be deemed to be an application in the Unified Family Court subject to such directions as the court considers appropriate.

Idem

(3) Notwithstanding subsection 1, the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth continues to exist for the purpose of completing proceedings commenced in it before this section comes into force and to which subsection 2 does not apply.

Enforcement  
of orders

(4) The Court may enforce orders made by the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth in place of that court.

s. 24,  
re-enacted

5. Section 24 of the said Act is repealed and the following substituted therefor:

Repeal

24. This Act is repealed on the 1st day of July, 1980.

Schedule,  
re-enacted

6.—(1) The Schedule to the said Act is repealed and the following substituted therefor:

## SCHEDULE

Jurisdiction in respect of actions for alimony and under the following statutory provisions:

<i>Statutes</i>	<i>Provisions</i>
<i>Annulment of Marriages Act (Ontario) (Canada)</i>	All
<i>The Child Welfare Act</i>	Parts II, III and IV
<i>The Children's Boarding Homes Act</i>	Section 10
<i>The Children's Maintenance Act</i>	All
<i>The Deserted Wives' and Children's Maintenance Act</i>	All
<i>Divorce Act (Canada)</i>	All
<i>The Education Act, 1974</i>	Sections 29 and 30
<i>The Infants Act</i>	All
<i>Juvenile Delinquents Act (Canada)</i>	All
<i>The Marriage Act</i>	Sections 9 and 11
<i>The Married Women's Property Act</i>	Section 12
<i>The Matrimonial Causes Act</i>	Sections 1 to 4
<i>The Minors' Protection Act</i>	Section 2
<i>The Parents' Maintenance Act</i>	All
<i>The Partition Act</i> in so far as its application is ancillary to an order under section 12 of <i>The Married Women's Property Act</i>	All
<i>The Reciprocal Enforcement of Maintenance Orders Act</i>	All
<i>The Training Schools Act</i>	Section 9

- (2) On a day to be named by proclamation of the Lieutenant Governor, the Schedule to the said Act, as re-enacted by subsection 1, is repealed and the following substituted therefor:

### SCHEDULE

Jurisdiction under the following statutory provisions:

<i>Statutes</i>	<i>Provisions</i>
<i>Annulment of Marriages Act (Ontario) (Canada)</i>	All
<i>The Child Welfare Act</i>	Parts II and IV
<i>The Children's Boarding Homes Act</i>	Section 10
<i>Divorce Act (Canada)</i>	All
<i>The Education Act, 1974</i>	Sections 29 and 30



*The Family Law Reform Act, 1977*

All,  
except Part V

*The Infants Act*

All

*Juvenile Delinquents Act (Canada)*

All

*The Marriage Act, 1977*

Sections 6 and 9

*The Minors' Protection Act*

Section 2

*The Reciprocal Enforcement of Maintenance Orders Act*

All

*The Training Schools Act*

Section 9

Commence-  
ment

7.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3 and 4 come into force on the 1st day of July 1977.

Short title

8. The short title of this Act is *The Unified Family Court Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 29, 1977

ASSEMBLY PROROGUED

December 16, 1977

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY



An Act to amend  
The Unified Family Court Act, 1976

---

*1st Reading*

June 27th, 1977

*2nd Reading*

June 27th, 1977

*3rd Reading*

June 28th, 1977

---

THE HON. R. McMURTRY  
Attorney General

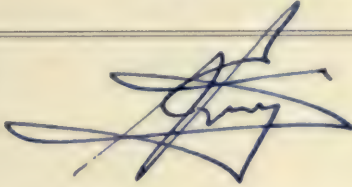
---

# BILL 3

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## An Act to require The Essex County Board of Education to provide a French-language Secondary School

---

THE HON. T. L. WELLS  
Minister of Education

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 3

1977

## **An Act to require The Essex County Board of Education to provide a French-language Secondary School**

**W**HEREAS the French-language advisory committee of Preamble  
 The Essex County Board of Education has, since 1969, consistently recommended that a French-language secondary school be provided; and whereas, upon such recommendation having been rejected by the Board in the year 1974, the Languages of Instruction Commission of Ontario recommended that the Board provide such a school; and whereas The Essex County Board of Education, having initially rejected the recommendation of the Commission, subsequently agreed in April, 1975 to proceed with construction of a French-language secondary school, but on and after the 23rd day of February, 1976 ceased to proceed therewith; and whereas a mediator appointed by order in council No. 1452/76 recommended in February, 1977 that the Board build such school, but the Board, on or about the 8th day of March, 1977, decided not to build the school and it is now apparent that no such school will be provided at this time; and whereas there are sufficient French-speaking secondary school pupils resident in or adjacent to the area of jurisdiction of The Essex County Board of Education who have elected to be taught in the French language to warrant the provision of a French-language secondary school; and whereas the public interest, and in particular the interests of such French-speaking secondary school pupils, requires that such a school be constructed;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### **1. In this Act,**

**Interpre-  
tation**

- (a) "Board" means The Essex County Board of Education;

- (b) "Deputy Minister" means the Deputy Minister of Education;
- (c) "Minister" means the Minister of Education;
- (d) "Ministry" means the Ministry of Education;
- (e) "School" means the French-language secondary school required to be constructed by this Act.

Deemed  
resolution  
of Board

**2.** On the day upon which this Act comes into force, the Board is deemed to have passed a resolution to construct a building suitable for a School to accommodate seven hundred and fifty French-speaking secondary school pupils.

Board to  
construct  
School

**3.** Within thirty days after the coming into force of this Act, the Board shall, at a special meeting of the Board,

- (a) select a site for the School that is not, on the day this Act comes into force, the location of an existing school; and
- (b) appoint an architect and any other persons required for the purpose of building the School,

and following such meeting, the Board shall forthwith proceed with the planning and design of the building, obtain all approvals required for construction of the School and, upon receipt of such approvals, proceed in accordance with the policies of the Board to tender and contract for the construction of the School.

Notice  
by  
Minister

**4.—(1)** Where, in the opinion of the Minister, the Board fails to take any action or proceeding that it is required to take under section 3, the Minister may, by notice in writing to the Board, specify the action or proceeding that the Board has failed to take and direct the Board to take such action or proceeding within such time, being not less than ten days after the notice is sent, as the notice specifies.

Minister  
may cause  
School to be  
constructed

**(2)** Where the Minister has sent notice to the Board under subsection 1 and the Board fails to take the action or proceeding specified in the notice within the time limited therefor, the Minister may thereupon cause all such things to be done as are necessary to construct the School including, but not limited to, the selection of a site, the appointment of an architect, the planning and design of the building, the obtaining of all necessary approvals and the tendering and contracting for the construction of the School.



(3) Where the site selected by the Minister under subsection 2 is owned by the Board, the Board shall be deemed to have given possession of the site to the Crown in right of Ontario for the purpose of the construction of the School.

Possession of site deemed given to Crown

(4) Where the site selected under subsection 2 is not owned by the Board or by the Crown in right of Ontario, the site shall be acquired under *The Ministry of Government Services Act, 1973*.

Acquisition of site under 1973, c. 2

(5) Where construction of the School is not carried out by the Board, the ownership of the School, and of the site where the site is acquired under subsection 4, shall, upon completion of the School as certified by the architect, vest in the Board.

Building and site vested in Board

(6) The expenses incurred by the Minister in taking any action or proceeding that the Minister is authorized to take under subsection 2 that are in excess of any moneys payable to the Board by way of grant by the Minister in respect of the construction of the School are a debt due to the Crown by the Board and may be recovered with costs, by action in a court of competent jurisdiction.

Expenses recoverable from Board

(7) The Minister, in exercising the powers conferred on him under subsection 2, may make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario.

Use of services and facilities of ministries, etc.

(8) The Minister may in writing delegate to the Deputy Minister or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions or requirements as the Minister sets out in his delegation, any of the powers conferred on the Minister under subsection 2.

Delegation of Minister's powers

5. The School that is constructed under this Act shall be conducted and maintained by the Board as a French-language secondary school in accordance with *The Education Act, 1974* and the regulations made thereunder.

Conduct of School 1974, c. 109

6. This Act comes into force on the day it receives Royal Assent.

Commencement

7. The short title of this Act is *The Essex County French-language Secondary School Act, 1977*.

Short title

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977

ASSEMBLY PROROGUED September 16 1977

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY







An Act to require The Essex County  
Board of Education to provide a  
French-language Secondary School

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 11th, 1977

*3rd Reading*

July 11th, 1977

---

THE HON. T. L. WELLS  
Minister of Education

---

BILL 4

*Pauline G. G. S. Hon*

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to provide for Successor Rights on the Transfer  
of an Undertaking to or from the Crown**

THE HON. J. A. C. AULD  
Chairman, Management Board of Cabinet

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 4

1977

## An Act to provide for Successor Rights on the Transfer of an Undertaking to or from the Crown

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

- (a) "bargaining agent" means an employee organization that has representation rights under *The Crown Employees Collective Bargaining Act, 1972* <sup>1972, c. 67</sup> or a trade union or council of trade unions that is certified as a bargaining agent under *The Labour Relations Act*; <sup>R.S.O. 1970, c. 232</sup>
- (b) "Board" means the Ontario Labour Relations Board;
- (c) "collective agreement" means an agreement in writing between the Crown or an employer and an employee organization, trade union or council of trade unions covering terms and conditions of employment;
- (d) "Crown" means Her Majesty in right of Ontario;
- (e) "employer" means an employer other than the Crown;
- (f) "transfer" means a conveyance, disposition or sale;
- (g) "Tribunal" means the Ontario Public Service Labour Relations Tribunal;
- (h) "undertaking" means a business, enterprise, institution, program, project, work or a part of any of them.

Idem

(2) For the purposes of an application or other proceeding before the Tribunal under this Act, "employee" has the same meaning as in *The Crown Employees Collective Bargaining Act, 1972*.

1972, c. 67

Where  
collective  
agreement  
binding on  
employer

**2.—**(1) Where an undertaking is transferred from the Crown to an employer and a bargaining agent has a collective agreement with the Crown in respect of employees employed in the undertaking, the employer is bound by the collective agreement as if a party to the collective agreement until the Board declares otherwise.

Where  
application  
before  
Tribunal

(2) Where an undertaking is transferred from the Crown to an employer while an application is before the Tribunal for representation rights in respect of employees employed in the undertaking or for a declaration that an employee organization no longer represents employees employed in the undertaking, the application shall be transferred to the Board and the employer is the employer for the purposes of the application as if named as the employer in the application until the Board declares otherwise.

Rights of  
bargaining  
agent

(3) Where an undertaking is transferred from the Crown to an employer and a bargaining agent has been granted representation rights under any Act and has given or is entitled to give written notice of desire to bargain to make or renew a collective agreement in respect of employees employed in the undertaking, the bargaining agent continues, until the Board declares otherwise, to be the bargaining agent in respect of the employees and is entitled to give to the employer written notice of desire to bargain to make or renew, with or without modifications, a collective agreement, as the case requires.

Where  
collective  
agreement  
binding  
on Crown

**3.—**(1) Where an undertaking is transferred from an employer to the Crown and a bargaining agent has a collective agreement with the employer in respect of employees employed in the undertaking, the Crown is bound by the collective agreement as if a party to the collective agreement until the Tribunal declares otherwise.

Where  
application  
before Board

(2) Where an undertaking is transferred from an employer to the Crown while an application is before the Board for certification or termination of bargaining rights in respect of employees employed in the undertaking, the application shall be transferred to the Tribunal and the Crown is the employer for the purposes of the application as if named as the employer in the application until the Tribunal declares otherwise.



(3) Where an undertaking is transferred from an employer to the Crown and a trade union or council of trade unions has been certified by the Board as bargaining agent or has given or is entitled to give written notice of desire to bargain to make or renew a collective agreement in respect of employees employed in the undertaking, the bargaining agent continues, until the Tribunal declares otherwise, to be the bargaining agent in respect of the employees and is entitled to give to the body representing the Crown or to the Crown, as the case requires, written notice of desire to bargain to make or renew, with or without modifications, a collective agreement, as the case requires.

Rights of  
bargaining  
agent

4.—(1) Where an undertaking was transferred from the Crown to an employer or from an employer to the Crown and an employee organization, trade union or council of trade unions was the bargaining agent in respect of employees employed in the undertaking immediately before the transfer and,

Powers of  
Board and  
Tribunal

- (a) a question arises as to what constitutes a unit of employees that is appropriate for collective bargaining purposes in respect of the undertaking; or
- (b) any person, employee organization, trade union or council of trade unions claims that by virtue of section 2 or 3, a conflict exists as to the bargaining rights of the employee organization, trade union or council of trade unions,

any person, employee organization, trade union or council of trade unions concerned may apply to the Board, in the case of the transfer of the undertaking to an employer, or to the Tribunal, in the case of the transfer of the undertaking to the Crown, and the Board or the Tribunal, as the case requires,

- (c) may determine the composition of the unit of employees referred to in clause a;
- (d) may amend, to such extent as the Tribunal or the Board considers necessary,
  - (i) any bargaining unit in any certificate issued to any trade union or council of trade unions,
  - (ii) any bargaining unit defined in any collective agreement,



- (iii) any unit of employees determined by the Tribunal to be appropriate for collective bargaining purposes in respect of the undertaking, or
- (iv) any unit of employees that is designated by the Lieutenant Governor in Council as an appropriate bargaining unit for collective bargaining purposes in respect of the undertaking.

Idem

(2) Where an undertaking is transferred from the Crown to an employer or from an employer to the Crown, any person, employee organization, trade union or council of trade unions may apply to the Board, in the case of the transfer of the undertaking to an employer, or to the Tribunal, in the case of the transfer of the undertaking to the Crown,

- (a) within sixty days after the transfer of the undertaking; or
- (b) within sixty days after written notice is given by the employee organization, trade union or council of trade unions of desire to bargain to make or renew, with or without modifications, a collective agreement,

and the Board or the Tribunal, as the case requires, may terminate the bargaining rights of the employee organization, trade union or council of trade unions bound by a collective agreement in respect of employees employed in the undertaking or that has given notice, as the case may be, if in the opinion of the Board or the Tribunal, the transferee of the undertaking has changed the character of the undertaking so that it is substantially different from the undertaking as it was carried on immediately before the transfer.

Where  
employees  
intermingled

5.—(1) Notwithstanding section 2, where an undertaking is transferred from the Crown to an employer who intermingles the employees employed in the undertaking immediately before the transfer with employees employed in one or more other undertakings carried on by the employer or an undertaking is transferred from an employer to the Crown and employees employed in the undertaking immediately before the transfer are intermingled with employees employed in other undertakings of the Crown and an employee organization, trade union or council of trade unions that is the bargaining agent in respect of employees

employed in any of the undertakings applies to the Board, in the case of the transfer of the undertaking to an employer, or to the Tribunal, in the case of the transfer of the undertaking to the Crown, the Board or the Tribunal, as the case requires,

- (a) may declare that the employer or the Crown, as the case may be, is no longer bound by the collective agreement referred to in section 2 or 3;
- (b) may determine whether the employees concerned constitute one or more appropriate bargaining units;
- (c) may declare which employee organization, trade union or council of trade unions shall be the bargaining agent in respect of each such bargaining unit; and
- (d) may amend, to such extent as the Board or the Tribunal considers necessary,
  - (i) any certificate issued to any trade union or council of trade unions,
  - (ii) any bargaining unit defined in any collective agreement,
  - (iii) any unit of employees determined by the Tribunal to be appropriate for collective bargaining purposes in respect of any of the undertakings, or
  - (iv) any unit of employees that is designated by the Lieutenant Governor in Council as an appropriate bargaining unit for collective bargaining purposes in respect of any of the undertakings.

(2) Where an employee organization, trade union or council of trade unions is declared to be a bargaining agent under subsection 1 and it is not already bound by a collective agreement with the successor employer in respect of employees employed in the undertaking that was transferred, the employee organization, trade union or council of trade unions is entitled to give to the successor employer written notice of desire to bargain to make or renew, with or without modifications, a collective agreement.

- 6.—**(1) Notwithstanding any other provision of this Act,
- (a) a trade union or council of trade unions shall not exercise representation rights or act as bargaining agent

Where  
bargaining  
agent  
ascertained

Compliance  
with  
requirements  
for  
bargaining  
agent

1972, c. 67,

agent in respect of employees employed in an undertaking transferred from an employer to the Crown unless the trade union or council of trade unions qualifies as an employee organization under *The Crown Employees Collective Bargaining Act, 1972*; and

R.S.O. 1970,  
c. 232

- (b) an employee organization shall not exercise representation rights or act as bargaining agent in respect of employees employed in an undertaking transferred from the Crown to an employer unless the employee organization qualifies as a trade union or council of trade unions under *The Labour Relations Act*.

Application  
of  
R.S.O. 1970,  
c. 232;  
1972, c. 67

(2) Except as otherwise provided in this Act, where an undertaking is transferred from the Crown to an employer, *The Labour Relations Act* applies to a bargaining agent that has representation rights in respect of the employees employed in the undertaking and to the employees and where an undertaking is transferred from an employer to the Crown, *The Crown Employees Collective Bargaining Act, 1972* applies to a bargaining agent that is certified as a bargaining agent in respect of the employees employed in the undertaking and to the employees.

Application  
for  
declaration of  
qualification

7.—(1) An application may be made to the Tribunal or to the Board and,

- (a) the Tribunal may declare whether or not a trade union or council of trade unions qualifies as an employee organization under *The Crown Employees Collective Bargaining Act, 1972*; and
- (b) the Board may declare whether or not an employee organization qualifies as a trade union or council of trade unions under *The Labour Relations Act*.

Declaration  
by Tribunal  
or Board

(2) Where the Tribunal is not satisfied that the trade union or council of trade unions is so qualified or the Board is not satisfied that the employee organization is so qualified, the Tribunal or the Board, as the case may be, may specify the steps necessary to so qualify and when satisfied that the steps have been taken,

- (a) the Tribunal shall declare that the trade union, council of trade unions or the successor of either of them is so qualified; or



- (b) the Board shall declare that the employee organization or its successor is so qualified.

(3) A trade union, council of trade unions or successor of either of them that is declared by the Tribunal to be so qualified shall be deemed to have been qualified as an employee organization under *The Crown Employees Collective Bargaining Act, 1972* from and including the day of the transfer to the Crown of the undertaking to which the declaration relates.

Effect of  
declaration  
by Tribunal

1972, c. 87

(4) An employee organization or its successor that is declared by the Board to be so qualified shall be deemed to have been qualified as a trade union or council of trade unions under *The Labour Relations Act* from and including the day of the transfer to the employer of the undertaking to which the declaration relates.

Effect of  
declaration  
by Board

R.S.O. 1970,  
c. 232

8. Before disposing of an application under this Act, the Board or the Tribunal, as the case may be, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it considers appropriate.

Powers of  
Board or  
Tribunal  
before  
disposing of  
application

9. Where an application is made under this Act, the Crown or the employer, as the case may be, is not required, notwithstanding that a notice has been given by an employee organization, trade union or council of trade unions, to bargain with the employee organization, trade union or council of trade unions, as the case may be, concerning the employees to whom the application relates until the Board or the Tribunal, as the case requires, has disposed of the application and has declared which employee organization, trade union or council of trade unions, if any, has the right to bargain with the Crown or the employer, as the case may be, on behalf of the employees concerned in the application.

Where Crown  
or employer  
not  
required to  
bargain

10. For the purposes of *The Crown Employees Collective Bargaining Act, 1972* and *The Labour Relations Act*, notice given under this Act of desire to bargain, to make or renew, with or without modifications, a collective agreement or a declaration by the Board or the Tribunal that an employee organization, trade union or council of trade unions is the bargaining agent in respect of the employees in a bargaining unit has the same effect as the granting of representation rights or certification as bargaining agent.

Effect of  
notice or  
declaration

11.—(1) Where, on an application before the Board under this Act, a question arises as to whether an under-

Power to  
determine  
whether  
transfer



taking has been transferred from the Crown to an employer, the Board shall determine the question and its decision is final and conclusive for the purposes of this Act.

Idem

(2) Where, on an application before the Tribunal under this Act, a question arises as to whether an undertaking has been transferred from an employer to the Crown, the Tribunal shall determine the question and its decision is final and conclusive for the purposes of this Act.

Duty of respondent

(3) Where, on an application under this Act, an employee organization, trade union or council of trade unions alleges that an undertaking was transferred from the Crown to an employer or from an employer to the Crown, the respondents to the application shall adduce at the hearing all facts within their knowledge that are material to the allegation.

Commencement

**12.** This Act shall be deemed to have come into force on the 31st day of March, 1977.

Short title

**13.** The short title of this Act is *The Successor Rights (Crown Transfers) Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Oct 27 1977  
ASSEMBLY PROROGUED December 16 1977

*Rodney Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY



An Act to provide for Successor Rights on  
the Transfer of an Undertaking to or from  
the Crown

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 11th, 1977

*3rd Reading*

October 18th, 1977

---

THE HON. J. A. C. AULD  
Chairman, Management Board  
of Cabinet

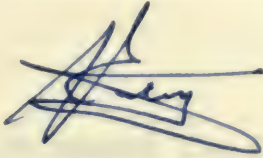
---

# **BILL 5**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Income Tax Act**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





## An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *g* of subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is amended by striking out “and” in the second line. s. 3 (3) (g),  
amended
- (2) Clause *h* of subsection 3 of the said section 3, as re-enacted by the Statutes of Ontario, 1976, chapter 81, section 1, is repealed and the following substituted therefor: s. 3 (3) (h),  
re-enacted
  - (h) 30.5 per cent in respect of the 1972, 1973, 1974, 1975 and 1976 taxation years; and
  - (i) 44 per cent in respect of the 1977 taxation year.
- (3) Subclause ii of clause *b* of subsection 6 of the said section 3, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3 and amended by the Statutes of Ontario, 1976, chapter 12, section 1, is further amended, s. 3 (6) (b) (ii),  
amended
  - (a) by inserting after “income” in the first line “earned in Ontario”; and
  - (b) by striking out “clause” in the tenth line and inserting in lieu thereof “section 110.1 or paragraph”.
2. Subsection 2 of section 5 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 5, is repealed and the following substituted therefor: s. 5 (2),  
re-enacted
  - (2) Subsection 1 applies only in the case of an individual whose chief source of income throughout the averaging period was from farming or fishing. Application  
of subs. 1

s. 6a,  
amended

3. Section 6a of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 12, section 2, is amended by striking out "\$1,534" in the second line and inserting in lieu thereof "\$1,680".

s. 10 (1),  
amended

- 4.—(1) Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 10, is further amended by adding thereto the following clause:

1970-71-72,  
c. 229 (Can.)

- (da) an amount as a benefit under the *Unemployment Insurance Act, 1971* (Canada).

s. 10 (1),  
amended

- (2) Subsection 1 of the said section 10 is further amended by striking out "or" at the end of clause g and by adding thereto the following clauses:

R.S.C. 1970,  
c. A-2

- (i) an adult training allowance under the *Adult Occupational Training Act* (Canada);

- (j) a payment out of or under a registered retirement savings plan or a plan referred to in subsection 12 of section 146 of the Federal Act as an amended plan; or

- (k) an amount as, on account of, or in lieu of payment of, or in satisfaction of proceeds of the surrender, cancellation or redemption of an income averaging annuity contract,

. . . . .

Commence-  
ment

5. This Act shall be deemed to have come into force on the 1st day of January, 1977.

Short title

6. The short title of this Act is *The Income Tax Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12

ASSEMBLY PROROGUED

December 16

*Robert Lewis*

CLERK

LEGISLATIVE ASSEMBLY









AN ACT TO AMEND  
The Income Tax Act

---

*1st Reading*

June 27th, 1977

*2nd Reading*

June 28th, 1977

*3rd Reading*

June 30th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

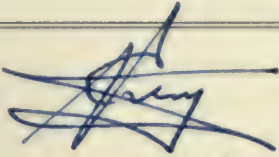
---

# **BILL 6**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Ontario Unconditional Grants Act, 1975**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---





**An Act to amend  
The Ontario Unconditional Grants Act, 1975**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 3 and 4 of *The Ontario Unconditional Grants Act, 1975*, being chapter 7, are repealed and the following substituted therefor: ss. 3, 4,  
re-enacted

3. In each year there shall be paid to each regional municipality a payment or payments in accordance with the population of the area municipalities within the regional municipality as follows: Per capita  
grants

1. \$10 per capita.
2. An amount per capita in accordance with Schedule 1 based on the density of each area municipality.
3. \$15 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*. R.S.O. 1970,  
c. 351
4. \$10 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

4. In each year, the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality by the sum of, Credit to  
area munici-  
palities

- (a) \$10;
- (b) the per capita amount in relation to the area municipality in accordance with Schedule 1 based on the density of the area municipality;

R.S.O. 1970,  
c. 351

(c) \$15 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; or

(d) \$10 in relation to each area municipality to which paragraph 4 of section 3 applies.

s. 5 (3),  
re-enacted

2. Subsection 3 of section 5 of the said Act is repealed and the following substituted therefor:

Idem

(3) In each year, payments of \$10 per capita shall be made to each municipality providing its own law enforcement by maintaining its own police force, or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

s. 6 (3),  
repealed

3. Subsection 3 of section 6 of the said Act is repealed.

s. 7 (4),  
repealed

4. Subsection 4 of section 7 of the said Act is repealed.

s. 8,  
re-enacted

5. Section 8 of the said Act is repealed and the following substituted therefor:

Transitional  
grants

8. The Lieutenant Governor in Council may, to minimize changes in the incidence of local taxation and to promote the development of services on a regional basis, by order upon such terms and conditions as he considers appropriate provide for payments to be made,

(a) to any regional municipality or lower tier municipality affected by an amalgamation, annexation or change in the responsibility for the provision of services, for a period not exceeding five years after the effective date of such amalgamation, annexation or change in responsibility; and

(b) to the Township of Goulbourn, the Township of Rideau, and the Township of West Carleton for a period not exceeding five years from the 1st day of January, 1974.

s. 9,  
re-enacted

6. Section 9 of the said Act is repealed and the following substituted therefor:

Resource  
equalization  
grants

9. In each year there shall be paid a resource equalization grant to each lower tier municipality whose equalized assessment per capita in the preceding year is below \$10,650 or such other amount as may be prescribed, in an amount based, in the manner prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to \$10,650 as applied to the net levy of the lower tier municipality.



7. Subsection 3 of section 10 of the said Act is amended by striking out "provided that in 1975, lower tier municipalities in the County of Oxford shall use the estimated 1975 resource equalization grant" in the seventh, eighth, ninth and tenth lines. s. 10 (3),  
amended
8. Subsection 2 of section 11 of the said Act is amended by striking out "provided that for the County of Oxford in 1975, the ratio shall be determined using the estimated current year taxes" in the fifth, sixth and seventh lines. s. 11 (2),  
amended
9. Subsection 2 of section 13 of the said Act is repealed. s. 13 (2),  
repealed
10. Section 14 of the said Act is repealed. s. 14,  
repealed
11. Sections 16 and 17 of the said Act are repealed and the following substituted therefor: ss. 16, 17,  
re-enacted
16. In each year there shall be paid a special support grant of 18 per cent, or such other percentage as may be prescribed, of the net levy of each upper tier municipality and each lower tier municipality, to each such municipality that is situate in the northern part of Ontario. Special  
support  
grant
17. In each year there shall be paid to the Township of Chisholm, the Township of Airy, the Improvement District of Cameron and any lower tier municipality situated in the Territorial District of Parry Sound, a special support grant of 18 per cent, or such other percentage as may be prescribed, of the net levy of such municipality. Idem
- 12.—(1) Schedule 2 to the said Act is repealed and the following substituted therefor: Sched. 2,  
re-enacted

## SCHEDULE 2

POPULATION RANGE	RATE OF GRANT
0 - 5,000	\$7.00 × (Pop.)
5,001 - 10,000	\$ 35,000 + \$7.40 × (Pop. over 5,000)
10,001 - 15,000	\$ 72,000 + \$7.60 × (Pop. over 10,000)
15,001 - 20,000	\$ 110,000 + \$7.80 × (Pop. over 15,000)
20,001 - 25,000	\$ 149,000 + \$8.00 × (Pop. over 20,000)
25,001 - 50,000	\$ 189,000 + \$8.20 × (Pop. over 25,000)
50,001 - 75,000	\$ 394,000 + \$8.40 × (Pop. over 50,000)
75,001 - 100,000	\$ 604,000 + \$8.60 × (Pop. over 75,000)
100,001 - 200,000	\$ 819,000 + \$8.80 × (Pop. over 100,000)
200,001 or more	\$1,699,000 + \$9.00 × (Pop. over 200,000)

- (2) Schedule 3 to the said Act is repealed.

Sched. 3,  
repealed



Commence-  
ment

13. This Act shall be deemed to have come into force on the 1st day of January, 1977.

Short title

14. The short title of this Act is *The Ontario Unconditional Grants Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July '72

ASSEMBLY PROROGUED

December 16



CLERK  
LEGISLATIVE ASSEMBLY



An Act to amend  
The Ontario Unconditional Grants  
Act, 1975

---

*1st Reading*

June 27th, 1977

*2nd Reading*

June 29th, 1977

*3rd Reading*

June 30th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

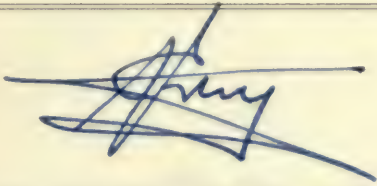
---

# **BILL 7**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Succession Duty Act**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---





BILL 7

1977

## An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *bb* of subsection 1 of section 7 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975, chapter 14, section 1, is repealed. s. 7 (1) (*bb*),  
repealed
- (2) Clause *cc* of subsection 5 of the said section 7, as re-enacted by the Statutes of Ontario, 1975, chapter 14, section 1, is repealed. s. 7 (5) (*cc*),  
repealed
- (3) Clause *b* of subsection 7 of the said section 7, as enacted by the Statutes of Ontario, 1975, chapter 14, section 1, is repealed and the following substituted therefor: s. 7 (7) (*b*),  
re-enacted

(b) \$300,000.
- (4) Subclause *i* of clause *c* of subsection 8 of the said section 7, as amended by the Statutes of Ontario, 1975, chapter 14, section 1, is further amended by striking out "\$250,000" in the amendment of 1975 and inserting in lieu thereof "\$300,000". s. 7 (8) (*c*) (1),  
amended

2. The said Act is amended by adding thereto the following section: s. 7a,  
enacted

7a.—(1) Where,

Application

- (a) subsections 5, 5.1 and 5.2 of section 70 of the *Income Tax Act* (Canada) are applicable in respect of a deceased; and 1970-71,  
c. 63 (Can.)
- (b) the executor so elects,

the provisions of this section apply.

Rules that  
apply where  
election  
made under  
subs. 1

(2) Where an executor has made a valid election under subsection 1 in the form and manner and at the time prescribed by the regulations, in computing the duty payable by a beneficiary under this Act, the following rules shall apply:

1. Allowance shall not be made under subsection 6 of section 3 for the amount of any tax on deemed dispositions of the deceased.

2. The amount of duty otherwise payable by each beneficiary under this Act shall be reduced by the lesser of,

(a) that proportion of the amount of tax on deemed dispositions of the deceased that,

(i) the elected dutiable value of all property situate in Ontario that passes on the death of the deceased to or for the benefit of the beneficiary, plus the elected dutiable value of all transmissions to the beneficiary, plus the elected dutiable value of all dispositions to the beneficiary that do not come within clause g of subsection 1 of section 5, bears to,

(ii) the elected aggregate value; and

(b) the amount of duty otherwise payable by the beneficiary under this Act.

How  
elected  
aggregate  
value  
computed

(3) For the purposes of this section, elected aggregate value and elected dutiable value shall be computed in the manner prescribed by the regulations.

Inter-  
pretation

(4) In this section,

(a) "duty otherwise payable" means the duty levied on a beneficiary and on property passing on the death of the deceased to or for the benefit of the beneficiary determined in accordance with this Act as though paragraph 2 of subsection 2 did not apply

(b) "tax on deemed dispositions of the deceased" means the prescribed proportion of tax payable under *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, and the *Income Tax Act* (Canada) in respect of the deceased for



the taxation year, determined in accordance with those Acts, in which the deceased died, minus an amount equal to the amount of any payment deemed by subsection 6 of section 164 of the *Income Tax Act* (Canada) to have been made.

1970-71,  
c. 63 (Can.)

3. Section 10 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 20, section 4, is further amended by adding thereto the following subsection:

s. 10,  
amended

(6a) Notwithstanding anything in this Act, any person or class of persons prescribed by the Minister by regulation may, without the consent of the Minister, deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of, any property or class of property prescribed by the Minister by regulation that is,

Where  
no consent  
necessary

(a) property in which the deceased had at the time of his death any beneficial interest; or

(b) property passing on the death of the deceased,

and that passes on the death of the deceased to or for the benefit of any person or class of persons prescribed by the Minister by regulation.

4. Section 13 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 109, section 5, is repealed and the following substituted therefor:

s. 13,  
re-enacted

13.—(1) Every person,

Filing  
return

(a) who is the executor, or one of the executors of, the deceased acting in the administration of his estate; or

(b) to whom or for whose benefit any property situate in Ontario passes on the death of the deceased or to whom there is a transmission or to whom a disposition is made, any of which property, disposition or transmission is not included in a return made under this section by a person described in clause *a* or *c*; or

(c) who, not being an executor of the deceased, is acting in the administration of the estate of the deceased,

shall, within six months after the death of the deceased or within such further period as may be allowed by the Minister,



make and file with the Minister a return, in such form and containing such information as is prescribed by the Minister by regulation, setting forth,

- (d) an inventory of all the property passing on the death of the deceased and of all dispositions made by the deceased of which he has knowledge, and such inventory shall show the value of such property and dispositions; and
- (e) the names of all persons to whom or for whose benefit any property passes on the death of the deceased or to whom there is a transmission or to whom any disposition is made, their places of residence and the degree of relationship in which they stand to the deceased.

**Additional  
information**

(2) Where the Minister considers it necessary, he may in writing demand from any person a statement or information or a return verified by affidavit or in the form of an affidavit deposing the facts known to the deponent concerning any matter or information relating to subsection 1 specified by the Minister in such demand.

**Penalty**

(3) Every person in Ontario who makes default in complying with subsection 1 or 2 may be required to pay to the Treasurer as a penalty the sum of \$10 for each day during which the default continues.

**s. 14 (2),  
amended**

5. Subsection 2 of section 14 of the said Act is amended by striking out "an affidavit purporting to be the affidavit required by subsection 1 or 2" in the eighth and ninth lines and inserting in lieu thereof "a return purporting to be the return required by subsection 1".

**s. 44,  
amended**

- 6.—(1) Section 44 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 20, section 8, is further amended by striking out clause *a* and by adding thereto the following clauses:

- (g) prescribing the form and manner and the times at which an election under section 7*a* shall be made;
- (h) prescribing the terms and conditions and providing for the method of the calculations for the purpose of section 7*a*.

**s. 44  
amended**

- (2) The said section 44 is further amended by adding thereto the following subsections:

## (2) The Minister may make regulations,

Regulations  
by Minister

- (a) prescribing, defining or determining anything that the Minister is permitted or required by this Act to prescribe, define or determine;
- (b) prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

(3) A regulation made under subsection 1 or 2 may be made effective retroactively to a date not earlier than the 20th day of April, 1977.

Regulation  
may be  
retroactive

7.—(1) Subsection 4 of section 50 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, is amended by striking out "discharge of mortgage" in the third and fourth lines.

R.S.O. 1970,  
c. 409,  
s. 50 (4),  
amended

(2) The said section 50, as amended by the Statutes of Ontario, 1972, chapter 133, section 20, is further amended by adding thereto the following subsection:

s. 50,  
amended

(4a) Notwithstanding subsection 4, the consent of the Minister of Revenue is not required to be attached to or endorsed on any deed, grant, conveyance, mortgage, assignment of mortgage or other instrument purporting to convey, transfer or assign any property that is property prescribed by the Minister of Revenue by regulations made under *The Succession Duty Act* to be property that may be conveyed, transferred or assigned without the consent of the Minister of Revenue.

Where  
consent  
of Minister  
not requiredR.S.O. 1970,  
c. 449

(3) Subsection 9 of the said section 50 is repealed and the following substituted therefor:

s. 50 (9),  
re-enacted

(9) Subsections 4 to 7 do not apply where the deceased person died prior to the 1st day of January, 1950.

Application  
of subss. 4-7

8.—(1) Subsection 1 of section 140 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, is amended by striking out "and, in the case of the death of the registered owner of a charge where no such entry is being applied for but a cessation of the charge is tendered for registration, such cessation shall not be registered until the above consent is attached thereto or endorsed thereon" in the tenth, eleventh, twelfth, thirteenth and fourteenth lines.

R.S.O. 1970,  
c. 234,  
s. 140 (1),  
amended



s. 140,  
amended

(2) The said section 140 is amended by adding thereto the following subsection:

Where consent  
of Minister  
not required

(1a) Notwithstanding subsection 1, the consent of the Minister of Revenue is not required to be attached to or endorsed on the application for transmission of interest or application for entry in respect of any land, charge or interest that is prescribed by the Minister of Revenue by regulations made under *The Succession Duty Act* to be land or a charge or interest that may be conveyed, transferred or assigned without the consent of the Minister of Revenue.

R.S.O. 1970,  
c. 449

s. 140 (2),  
re-enacted

(3) Subsection 2 of the said section 140 is repealed and the following substituted therefor:

Saving

(2) Subsections 1 and 1a do not apply where the death of the registered owner occurred prior to the 1st day of January, 1950.

Commence-  
ment

9.—(1) This Act, except sections 1, 2, 3, 4, 5 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3, 4, 5 and 6, shall be deemed to have come into force on the 20th day of April, 1977 and apply in respect of deceased persons dying on and after that date.

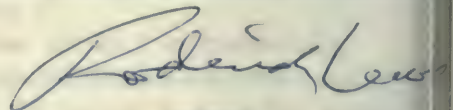
Short title

10. The short title of this Act is *The Succession Duty Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12

ASSEMBLY PROROGUED

December 16



CLERK  
LEGISLATIVE ASSEMBLY









An Act to amend  
The Succession Duty Act

---

*1st Reading*

June 27th, 1977

*2nd Reading*

June 30th, 1977

*3rd Reading*

June 30th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

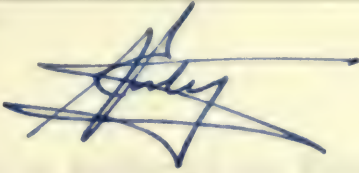
---

# **BILL 8**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



THE UNIVERSITY OF CHICAGO  
 LIBRARY



THE UNIVERSITY OF CHICAGO  
 LIBRARY



BILL 8

1977

## An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,000,000,000.

Loans up to  
\$1,000,000,000

R.S.O. 1970,  
c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. The short title of this Act is *The Ontario Loan Act, 1977*.

Short title

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Lewis*

CLERK

LEGISLATIVE ASSEMBLY

An Act to authorize the Raising of Money  
on the Credit of the Consolidated Revenue  
Fund

---

*1st Reading*

June 27th, 1977

*2nd Reading*

June 29th, 1977

*3rd Reading*

June 30th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

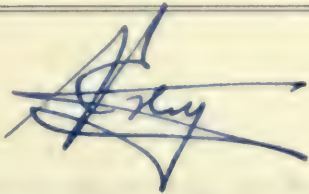
---

# **BILL 9**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act respecting the Registration of Venture Investment Corporations**

---

THE HON. W. D. MCKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 9

1977

## An Act respecting the Registration of Venture Investment Corporations

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpre-  
tation

- (a) “articles of incorporation” or “articles” means the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which a corporation is incorporated, and includes any amendments thereto;
- (b) “associate”, where used to indicate a relationship with any person, means,
  - (i) any body corporate of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the body corporate for the time being,
  - (ii) any partner of that person acting by or for the partnership of which they are both partners,
  - (iii) any trust or estate in which such person has a substantial beneficial interest or in respect of which such person serves as trustee or in a similar capacity,
  - (iv) any spouse, parent, son or daughter, brother or sister of that person, or
  - (v) any relative of such person or of his spouse, other than a relative referred to in subclause iv, who has the same home as such person;

R.S.O. 1970,  
c. 53

- (c) "body corporate" means any body corporate whether or not it is a corporation to which *The Business Corporations Act* applies;
- (d) "certified copy" means,
  - (i) in relation to a document of a body corporate, a copy of the document certified to be a true copy under the seal of the body corporate and signed by an officer thereof,
  - (ii) in relation to a document issued by a court, a copy of the document certified to be a true copy under the seal of the court and signed by the registrar or clerk thereof,
  - (iii) in relation to a document in the custody of the Ministry, a copy of the document certified to be a true copy under the seal of the Minister and signed by the Minister or by such officer of the Ministry as is designated by the regulations;
- (e) "corporation" means a body corporate with share capital to which *The Business Corporations Act* applies;
- (f) "debt obligation" means a bond, debenture, note or other similar obligation of a body corporate, whether secured or unsecured;
- (g) "director" means a member of the board of directors of a body corporate or any other individual who performs functions for the body corporate similar to those normally performed by an individual occupying the position of director;
- (h) "eligible investment" means an investment in a small business that complies with section 10;
- (i) "equity share" means any share of any class of shares of a body corporate carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (j) "investment" means the purchase or acquisition from a small business by a venture investment corporation of the securities issued by that small business;

- (k) "land" includes land and any estate, right or interest therein, a leasehold interest or estate, the interest of an optionee, the interest of a purchaser under an agreement to sell land or goodwill attributable to the location of land or to the existence thereon of any building or fixture, and fixtures;
- (l) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act is assigned;
- (m) "Ministry" means the Ministry of the Minister;
- (n) "officer" means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, any assistant secretary, the treasurer, any assistant treasurer, the general manger, or any other person designated an officer by by-law or resolution of the directors or any other individual who performs functions for the body corporate similar to those normally performed by an individual occupying any such office;
- (o) "prescribed" means prescribed by the regulations;
- (p) "register" means the register under this Act;
- (q) "regulations" means the regulations made under this Act;
- (r) "related person", where used to indicate a relationship with any person, means,
  - (i) any spouse, parent, son or daughter, brother or sister of that person,
  - (ii) any relative of such person or of his spouse, other than a relative referred to in subclause i, who has the same home as such person, or
  - (iii) any body corporate of which such person and any of the persons referred to in subclause i or ii or the partner or employer of such person, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding;



(s) "resident Canadian" means an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada;

(t) "security" means any share of any class of shares or any debt obligation of a body corporate;

(u) "small business" means a body corporate having the number of employees and the amount of assets and profits that fall within the prescribed limits;

(v) "Tribunal" means the Ontario Securities Commission;

(w) "venture investment corporation" means a corporation registered under this Act.

Inter-  
pre-  
ta-  
tion:  
subsidiary  
body  
corporate

(2) For the purposes of this Act, a body corporate shall be deemed to be a subsidiary of another body corporate if, but only if,

(a) it is controlled by,

(i) that other,

(ii) that other and one or more bodies corporate each of which is controlled by that other, or

(iii) two or more bodies corporate each of which is controlled by that other; or

(b) it is a subsidiary of a body corporate that is that other's subsidiary.

holding  
body  
corporate

(3) For the purposes of this Act, a body corporate shall be deemed to be another's holding body corporate if, but only if, that other is its subsidiary.

affiliated  
body  
corporate

(4) For the purposes of this Act, one body corporate shall be deemed to be affiliated with another body corporate if, but only if, one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person.

Control

(5) Unless otherwise prescribed, a body corporate shall be deemed to be controlled by another person or by two or more bodies corporate if, but only if,

(a) shares of the first-mentioned body corporate carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of such other person or by or for the benefit of such other bodies corporate; and

(b) the votes carried by such shares are sufficient if exercised to elect a majority of the board of directors of the first-mentioned body corporate.

(6) In calculating the total number of equity shares of a body corporate beneficially owned or controlled, for the purposes of this Act, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes carried.

Calculation  
of total  
number of  
equity  
shares

(7) In determining the number of shareholders of a body corporate, for the purposes of this Act, two or more persons holding the same share or shares jointly shall be counted as one shareholder.

Number of  
shareholders

(8) For the purpose of determining whether or not a body corporate is a small business, there shall be taken into account the number of employees and the amount of assets and profits of any affiliate of such body corporate.

Deter-  
mination  
of small  
business

2.—(1) Where all the shares of a corporation are with par value, its issued and outstanding capital shall be expressed in Canadian or other currency, or partly in one currency and partly in another, and is an amount equal to the total of the products of the number of such issued and outstanding shares of each class multiplied by the par value thereof less such decreases in the issued and outstanding capital as from time to time have been effected by the corporation in accordance with *The Business Corporations Act*.

Issued  
capital:  
par value  
shares

R.S.O. 1970,  
c. 53

(2) Where the shares of a corporation are without par value or where part of its shares are with par value and part are without par value, its issued and outstanding capital shall be expressed in Canadian or other currency, or partly in one currency and partly in another, and is an amount equal to the total of the products of the number of issued and outstanding shares of each class with par value multiplied by the par value thereof, together with the amount of the consideration for which the shares without par value from time to time outstanding were issued and together with such amounts as from time to time by by-law of the cor-

no par  
value  
shares

R.S.O. 1970,  
c. 53

poration may be transferred thereto and less such decreases in the issued and outstanding capital as from time to time have been effected by the corporation in accordance with *The Business Corporations Act*.

#### REGISTER

Register

**3.**—(1) The Minister shall maintain a register of venture investment corporations in which he shall list all corporations registered under this Act.

Delegation  
by Minister

(2) The Minister may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry.

#### REGISTRATION

Registration

**4.**—(1) A corporation may apply to be registered under this Act by delivering to the Minister a proposal in duplicate.

Contents of  
proposal

(2) A proposal shall set out:

1. The name of the corporation.
2. The location of the head office of the corporation in Ontario, including the street and number, if any.
3. The authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares in each class, and the par value of each share, or, where the shares are without par value, the consideration, if any, exceeding which each share may not be issued or the aggregate consideration, if any, exceeding which all other shares of each class may not be issued.
4. The issued capital of each class of shares, including the aggregate consideration therefor.
5. The amounts and kinds of debt obligations, if any, issued by the corporation.
6. The number of directors of the corporation and the names in full and the residence addresses of each, giving the street and number, if any.
7. The names in full of the officers of the corporation and the residence addresses of each, giving the street and number, if any.
8. Any other matter prescribed to be set out in the proposal.



(3) A proposal shall be accompanied by a certified copy of the corporation's articles of incorporation. Articles of incorporation

(4) The proposal shall be executed under the seal of the corporation and signed by two officers or one director and one officer of the corporation and certified by affidavit of one of the officers or directors signing the proposal. Execution of proposal

**5.—**(1) No corporation shall be registered under this Act unless, Conditions of registration

(a) the corporation has never previously carried on business;

(b) a majority of the directors on the board of directors are resident Canadians;

(c) the corporation has objects only to assist in the development of small businesses by,

(i) providing capital through the acquisition and holding of shares and notes, bonds, debentures or similar obligations, and

(ii) providing business and managerial expertise to small businesses;

(d) the corporation has issued and outstanding capital of a value of \$250,000 or more; and

(e) the corporate name includes the words "venture investment corporation".

(2) A venture investment corporation shall at all times comply with the provisions of clauses *b*, *c* and *e* of subsection 1. Continuing conditions

(3) No corporation, association, partnership or individual not being a corporation registered under this Act shall use in Ontario, without the consent of the Minister, a name that includes the words "venture investment corporation" or any abbreviation or derivation thereof, whether or not the word, abbreviation or derivation is used in or in connection with the name. Use of "venture investment corporation"

**6.—**(1) Subject to subsection 4, a corporation is entitled to registration by the Minister except where, Registration

(a) the applicant fails to comply with section 4 or 5, as the case may be; or



- (b) the applicant fails to file the material required by this Act or the regulations.

**Refusal to register**

- (2) Subject to section 8, the Minister may refuse to register a corporation where in the Minister's opinion the applicant is disentitled to registration under subsection 1 of this section.

**Revocation of registration**

- (3) Subject to section 8, the Minister may revoke a registration where the registrant fails to comply with any provision of this Act or the regulations.

**Minister may suspend further registrations**

- (4) Where the Minister is of the opinion that the number of corporations registered under this Act is sufficient to meet the objectives of this Act or where he is of the opinion that it is in the public interest to do so, the Minister may, subject to the approval of the Lieutenant Governor in Council, by order, suspend the further registration of corporations under this Act for such period of time as is specified in the order.

**Registration**

- 7.** If a corporation complies with sections 4 and 5, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the proposal the word "Registered" and the day, month and year of the registration thereof;
- (b) file one of the duplicates in his office;
- (c) place the name of the corporation in the register of venture investment corporations; and
- (d) issue to the registrants a certificate of registration to which he shall affix the other duplicate.

**Notice of proposal to refuse or revoke**

- 8.—(1)** Where the Minister proposes to refuse to grant or proposes to revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

**Notice requiring hearing**

- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Tribunal, and he may so require such a hearing.

**Powers of Minister where no hearing**

- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2,

the Minister may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on application made at the hearing, may by order direct the Minister to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Minister ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Minister. Powers of Tribunal where hearing

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act. Conditions of order

(6) The Minister, the applicant or the registrant who has required the hearing and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal under this section. Parties

(7) Notwithstanding subsection 1, the Minister may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering its registration. Voluntary cancellation

(8) Notwithstanding that an applicant or registrant appeals from an order of the Tribunal, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal. Order effective, stay

9.—(1) In each fiscal year, a venture investment corporation shall maintain issued and outstanding capital of a value that is not less than the requisite issued and outstanding capital. Requisite value of capital

(2) For the purposes of subsection 1, the requisite issued and outstanding capital of a venture investment corporation is, Idem

- (a) \$250,000 or more during its first fiscal year;
- (b) \$350,000 or more prior to the end of its second fiscal year;
- (c) \$500,000 or more prior to the end of its third fiscal year;

(d) \$750,000 or more prior to the end of its fourth fiscal year;

(e) \$750,000 or more during each subsequent fiscal year.

Minimum  
percentage  
of eligible  
investments

(3) Prior to the end of its first fiscal year, a venture investment corporation shall have invested at least 60 per cent of its requisite issued and outstanding capital in eligible investments.

Idem

(4) Prior to the end of its second fiscal year, a venture investment corporation shall have invested at least 80 per cent of its requisite issued and outstanding capital in eligible investments.

Idem

(5) Prior to the end of its third fiscal year, a venture investment corporation shall have invested an average of at least 80 per cent, calculated on the last day of each month of its fiscal year, of its requisite issued and outstanding capital in eligible investments.

Idem

(6) After the end of its third fiscal year, a venture investment corporation shall at all times maintain an average of at least 80 per cent, calculated on the last day of each month of the immediately preceding twelve months, of its requisite issued and outstanding capital in eligible investments.

Idem

(7) If at any time a venture investment corporation has issued and outstanding capital in excess of the requisite capital provided for in subsection 2, such venture investment corporation shall maintain at least 80 per cent of such excess in eligible investments.

Fiscal year

(8) A venture investment corporation shall have a fiscal year that commences upon the date of its registration under this Act and ends upon the anniversary of the date of its registration.

#### ELIGIBLE INVESTMENTS

Eligible  
investments

**10.—(1)** An investment shall be an eligible investment if, but only if,

(a) the investment is made in a small business in which 90 per cent or more of its,

(i) assets are situate in Ontario, and



- (ii) wages and salaries are paid to residents of Ontario;
  - (b) the investment is not used by the small business for the purpose of,
    - (i) relending,
    - (ii) investment in land except such land as is incidental and ancillary to the principal objects of the small business, or
    - (iii) reinvestment outside Canada;
  - (c) the number of equity shares taken by the venture investment corporation in the small business, or any affiliated body corporate of such small business, in which the venture investment corporation invests does not at any time exceed 40 per cent, determined in the manner prescribed by subsection 2, of all issued and outstanding equity shares of such small business;
  - (d) the investment is made in a small business in which,
    - (i) the total number of equity shares of the body corporate beneficially owned, directly or indirectly, by non-residents over which non-residents exercise control or direction does not exceed 25 per cent of the total number of issued and outstanding equity shares of the body corporate, or
    - (ii) the total number of equity shares of the body corporate beneficially owned, directly or indirectly, by a non-resident or over which he exercises his control or discretion, together with other shareholders associated with him, if any, does not exceed 10 per cent of the total number of issued and outstanding equity shares of the body corporate; and
  - (e) the small business or investment is not of a type prescribed by the regulations.
- (2) In determining the percentage of issued and outstanding equity shares of a small business for the purposes of clause c of subsection 1, there shall be included,
- (a) the number of equity shares into which any debt obligation of such small business may be converted;

Manner of  
determining  
percentage  
of equity  
shares



- (b) any option or right to purchase equity shares of such small business; and
- (c) any equity shares, convertible debt obligations and any options or rights of such small business beneficially owned or held by an associate of the venture investment corporation, any shareholder of it, or an associate or affiliated body corporate of either of them.

**Investments**     **11.**—(1) A venture investment corporation shall maintain its assets in,

- (a) eligible investments;
- (b) liquid reserves;
- (c) securities that were eligible investments at the time they were acquired by such venture investment corporation; or
- (d) such other form as may be prescribed.

**Organization, etc., expenses**     (2) The Minister may prescribe the kinds of expenses that a venture investment corporation may claim in the organization, promotion and operation of its business and affairs and may impose limits thereon.

**Liquid reserves**     (3) Assets of the corporation maintained in liquid reserves shall be deposited from time to time in any chartered bank to which the *Bank Act* (Canada) applies, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or with the Province of Ontario Savings Office or in such other investments as may be prescribed, upon such terms and conditions and for such period as the corporation considers expedient.

R.S.C. 1970,  
c. B-1  
R.S.O. 1970,  
c. 254

**Interpretation**     **12.**—(1) In this section and in clause *d* of subsection 1 of section 10,

- (a) “body corporate” includes an association, partnership or other organization;
- (b) “non-resident” means,
  - (i) an individual who is not a resident Canadian,
  - (ii) a body corporate incorporated, formed or otherwise organized elsewhere than in Canada,

(iii) a body corporate that is controlled directly or indirectly by non-residents as defined in subclause i or ii,

(iv) a trust established by a non-resident as defined in subclause i, ii or iii, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or

(v) a body corporate that is controlled directly or indirectly by a trust mentioned in subclause iv;

(c) "resident" means an individual, body corporate or trust that is not a non-resident.

(2) For the purpose of clause *d* of subsection 1 of section 10, <sup>Idem</sup> a shareholder shall be deemed to be associated with another shareholder if,

(a) one shareholder is a body corporate of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

(c) one shareholder is a body corporate that is controlled directly or indirectly by the other shareholder;

(d) both shareholders are bodies corporate and one shareholder is controlled directly or indirectly by the same individual or body corporate that controls directly or indirectly the other shareholder;

(e) both shareholders are members of a voting trust where the trust relates to shares of a body corporate; or

(f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

**13.—**(1) A venture investment corporation shall not <sup>Prohibited investments</sup> invest or maintain an investment in a small business if,

(a) any of the shares of such small business are held by,

(i) a major shareholder or an associate thereof of the venture investment corporation,

(ii) an officer or director or an associate thereof of a venture investment corporation or an officer or director or an associate thereof of a major shareholder of the venture investment corporation, or

(iii) a voting trust where the trust relates to the shares of the venture investment corporation ;  
or

(b) such small business is a subsidiary, a holding body corporate or affiliated body corporate of the venture investment corporation.

**Interpre-  
tation**

(2) In this section, a "major shareholder" means a person who holds 10 per cent or more of the voting rights attached to all equity shares of the venture investment corporation for the time being outstanding.

**Restriction  
on security**

**14.** In making an eligible investment, no venture investment corporation shall, at any time, require or accept, either directly or indirectly, the personal guarantee of any person or the giving of a charge, mortgage, hypothec, pledge or like secured interest in the assets of any individual.

**Restriction  
on  
investment**

**15.—**(1) Except where a venture investment corporation is widely held, it shall not invest in a small business if the proceeds of that investment are used or are intended to be used, in whole or in part, to finance the purchase or sale of goods or services provided to such small business through any shareholder of the venture investment corporation or any associate or affiliated body corporate of such shareholder.

**Interpre-  
tation**

(2) For the purposes of subsection 1, a widely held venture investment corporation is one having five or more shareholders, each holding not more than 20 per cent of the issued and outstanding equity shares of that corporation.

**Material  
change**

**16.—**(1) In this section, a material change occurs if, but only if, the investment of a venture investment corporation ceases to be,

(a) a small business ; or

(b) an eligible investment.

**Notification**

(2) A venture investment corporation shall notify, in the prescribed form, the Minister of any material change in any of its investments within thirty days of the occurrence thereof.



(3) Where there is a material change, the investment by a Eligible investment venture investment corporation shall remain an eligible investment, notwithstanding any other provision of this Act, for a period of two years from the date of the material change.

**17.**—(1) No securities and no option or right to acquire Restriction on transfer, etc., of securities securities of a small business or of a body corporate that has ceased to be a small business or an eligible investment shall be transferred or granted by a venture investment corporation without first granting to the holders of the equity shares of such small business or body corporate the right to acquire the whole or any part of such securities, option or right upon the same terms and conditions.

(2) Only a holder of equity shares that is not a venture Proviso investment corporation may exercise the right to acquire securities, options or rights under subsection 1.

**18.** Where the Minister is of the opinion that the venture Avoidance of taxes investment corporation or its security holders are conducting their business and affairs primarily so as to avoid payment of taxes, in a manner that is contrary to the spirit and intent of this Act, the Minister may, subject to section 8, revoke the registration of the venture investment corporation.

**19.** No corporation registered under this Act shall offer No public offering its securities to the public unless such offering is exempt from the registration and prospectus requirements of *The* R.S.O. 1970, c. 426 *Securities Act*.

**20.** Notwithstanding the provisions of section 167 of *The Business Corporations Act*, every venture investment corporation shall comply with the provisions of sections 168 and 169, subsections 1 to 4 of section 170 and section 171 and clause *c* of subsection 1 and subsection 3 of section 172 of that Act in each year. Application of R.S.O. 1970, c. 53

**21.** Within ninety days of the date to which it is made Filing of financial statements up, a venture investment corporation shall file with the Minister its financial statements and the auditor's report thereon.

#### INFORMATION

**22.**—(1) Within ninety days after each anniversary of the Returns date of its registration, every venture investment corporation shall make out, verify and file with the Minister, a return in the prescribed form setting out, as of its anniversary date, the information required by such return.



Change in  
authorized  
capital

(2) Where shares of a class are donated to, redeemed, purchased, accepted or surrendered or converted by a venture investment corporation, the venture investment corporation shall, within thirty days of the date in which the donation, redemption, purchase, surrender or conversion is effected, file with the Minister a notice setting out,

- (a) the number of shares of the class donated, redeemed, purchased, surrendered or converted;
- (b) the number of shares of the class cancelled;
- (c) the number and class or classes of shares into which the shares were converted; and
- (d) the date on which the donation, redemption, purchase, surrender or conversion was effected.

Enlargement  
of time by  
Minister

(3) The Minister may, in his discretion, enlarge the time for filing any notice or return under this section.

Record  
of moneys  
received

**23.**—(1) A venture investment corporation shall at all times maintain a record of all amounts of money or any other consideration received from any small business and shall indicate in such record the purpose for which the money or other consideration was received.

Records to  
be filed

(2) Within thirty days after each anniversary of the date of its registration, every venture investment corporation shall file with the Minister a copy of the records maintained under subsection 1.

Notice to  
Minister

**24.**—(1) Within thirty days of acquiring or selling an eligible investment, a venture investment corporation shall notify the Minister in the prescribed form of such acquisition or sale.

Particulars  
of eligible  
investments

(2) The Minister shall maintain a file in respect of each venture investment corporation in which there shall be recorded particulars of all eligible investments held by the venture investment corporation.

Non-  
disclosure of  
information

(3) The Minister or any employee of the Ministry shall not disclose information contained in a file or return under this section, or section 20, except where the disclosure is necessary for the administration or enforcement of this Act or *The Corporations Tax Act, 1972*, or where the disclosure is required by a court or the Tribunal for the purposes of an action, prosecution or proceeding.

(4) Upon the request of either the venture investment corporation or the Minister of Revenue, where the information is required for the administration or enforcement of *The Corporations Tax Act, 1972*, the Minister may issue to such venture investment corporation or the Minister of Revenue, a certificate as to registration under this Act or as to particulars of eligible investments held by such venture investment corporation during the period of time specified in the certificate.

Certifications  
of eligible  
investments,  
etc.  
1972, c. 143

**25.**—(1) Where this Act requires or authorizes the Minister to issue a certificate or to certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Ministry as is designated by the Minister.

Certificates  
to be under  
seal

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable in evidence in any action, prosecution or other proceedings as *prima facie* proof of the facts so certified without proof of the seal or the signature or the official position of the person appearing to have signed the certificate.

Certificates  
to be  
*prima facie*  
proof

**26.**—(1) The Minister may at any time by notice require any venture investment corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act.

Information  
required  
by the  
Minister

(2) The Minister or any employee of the Ministry shall not disclose information contained in a return made under subsection 1, except where the disclosure is necessary for the administration or enforcement of this Act or *The Corporations Tax Act, 1972*, or where the disclosure is required by a court or the Tribunal for the purposes of an action, prosecution or proceeding.

Idem.  
disclosure of

**27.** A venture investment corporation that enters into a management agreement shall file with the Minister a copy of the agreement, together with any amendments thereto, within thirty days after the making of the agreement or amendment.

Management  
agreements

#### OFFENCES

**28.**—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in the light of the circumstances under which it was made, is false

Offence



or misleading in respect of any material fact or that omits to state any material fact the omission of which makes the statement false or misleading is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or if such person is a corporation to a fine of not more than \$20,000.

**Exception**

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

**Offence**

**29.**—(1) Every person who, while employed in the administration of this Act, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act, or has allowed any such person to inspect or to have access to any written statement furnished under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

**Saving**

(2) Subsection 1 does not apply to the communication of information among the Ministry and the Ministry of Revenue and the Ministry of Treasury, Economics and Intergovernmental Affairs.

**Inspection**

**30.** The Minister or any person designated by him in writing may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or any thing is done in connection with any business of a venture investment corporation or any books or records are or should be kept by the registrant pursuant to this Act and may make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of records are being complied with.

**Powers on inspection**

**31.**—(1) Upon an inspection under section 30, the person inspecting,

(a) is entitled to free access of all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the venture investment corporation being inspected;

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, providing that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as being of actual proof of the original. <sup>Copy</sup>

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$20,000. <sup>Offence</sup>

**32.** Every corporation that has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each day of default. <sup>Offence</sup>

**33.** The Minister may require any fact relevant to the performance of his duties under this Act or the regulations to be verified by affidavit or otherwise. <sup>Affidavit</sup>

**34.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;
- (b) designating officers of the Ministry who may sign certificates for the purposes of section 26;
- (c) prescribing the particulars that the Minister shall maintain in the register of venture investment corporations;
- (d) prescribing forms and providing for their use;
- (e) requiring any person to make information returns respecting any class of information required in assessing compliance with this Act;
- (f) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;



- (g) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (h) prescribing the manner in which any calculation under section 9 is to be made;
- (i) prescribing the manner and any conditions upon which a right of purchase may be exercised under section 17;
- (j) determining the method of calculation to be used in measuring the percentage of assets that a small business has situate in Ontario;
- (k) prescribing any matter required by this Act to be prescribed by the regulations.

Commence-  
ment

**35.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**36.** The short title of this Act is *The Venture Investment Corporations Registration Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12

ASSEMBLY PROROGUED December 16

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY



An Act respecting the Registration of  
Venture Investment Corporations

---

*1st Reading*

June 27th, 1977

*2nd Reading*

June 29th, 1977

*3rd Reading*

June 30th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

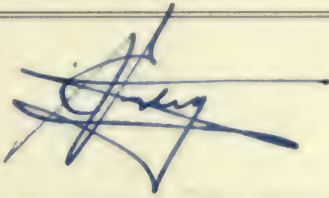
---

# BILL 10

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## An Act to amend The Tobacco Tax Act

---

THE HON. W. D. MCKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



THE [illegible] OF [illegible]



[illegible text block]

[illegible text block]

BILL 10

1977

## An Act to amend The Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 2 of *The Tobacco Tax Act*, being <sup>s. 2 (1),</sup> chapter 463 of the Revised Statutes of Ontario, 1970, <sup>re-enacted</sup> as re-enacted by the Statutes of Ontario, 1972, chapter 16, section 1 and amended by the Statutes of Ontario, 1976, chapter 24, section 1, is repealed and the following substituted therefor:

(1) Every consumer shall pay to Her Majesty in right of <sup>Tax on</sup> Ontario a tax computed as follows: <sup>consumer</sup>

- (a) ninety-six one-hundredths of 1 cent on every cigarette purchased by him;
- (b) thirty-five one-hundredths of 1 cent on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him;
- (c) 2 cents on every cigar purchased by him for a price at retail of not more than 7 cents;
- (d) 4 cents on every cigar purchased by him for a price at retail of more than 7 cents but not more than 10 cents; and
- (e) 6 cents on every cigar purchased by him for a price at retail of more than 10 cents but not more than 15 cents, and thereafter an additional 2 cents for each additional 5 cents that the price at retail of a cigar purchased by him exceeds 15 cents.

- (2) The said section 2 is amended by adding thereto the <sup>s. 2,</sup> following subsection: <sup>amended</sup>

Amounts in  
lieu of tax

(4) Where any person selling tobacco receives any payment made as or in lieu of the tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax payable under this Act.

s. 6(1),  
re-enacted

2. Subsection 1 of section 6 of the said Act is repealed and the following substituted therefor:

Sales of  
tobacco  
under  
R.S.O. 1970,  
c. 52

(1) No wholesale dealer shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable under this Act by such wholesale dealer have been paid or that such person has entered into an arrangement satisfactory to the Minister for the payment of such taxes or for securing their payment.

s. 8(2),  
amended

3.—(1) Subsection 2 of section 8 of the said Act is amended by striking out "and it shall bear interest at the rate prescribed by the regulations from the day the amount was due until it is paid" in the eighth, ninth and tenth lines.

s. 8(3) (a, b),  
re-enacted

(2) Clauses *a* and *b* of subsection 3 of the said section 8, as enacted by the Statutes of Ontario, 1976, chapter 24, section 2, are repealed and the following substituted therefor:

(a) \$700; or

(b) the aggregate of,

(i) 4 per cent of the tax collected by him in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$75 or more,

(ii) \$3 for each return with respect to tax collected by him in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$3 and is less than \$75, and



- (iii) the tax collected by him in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$3,

4. The said Act is amended by adding thereto the following sections:

ss. 8a-8e,  
10a, 10b,  
11a, 11b,  
enacted

8a.—(1) Every person designated a collector according to the regulations shall, without notice or demand, deliver to the Minister, at the time and in the manner prescribed by the regulations, a return of tax, that he, as agent of the Minister, is responsible to collect, and shall, at the time and in the manner prescribed by the regulations, remit such tax with his return.

Returns by  
collector

(2) Every return shall be verified by a certificate of the person designated a collector according to the regulations and, if such person is not an individual, of any one of its officers or servants or its resident manager or representative in Ontario, certifying that the financial and other statements of information included therein or attached thereto are in agreement with the books of such person and exhibit truly, correctly and completely all information for the period covered by the return.

Idem

(3) Every person designated a collector according to the regulations who files a return after the time prescribed by the regulations shall pay, when assessed therefor, a penalty of,

Penalty for  
late filing

(a) \$10; or

(b) 5 per cent of the tax payable by him and 5 per cent of the tax collectable by him,

whichever is the greater, but in no case shall such penalty be more than \$500.

(4) Every person designated a collector according to the regulations who fails to file a return as required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of \$200.

Offence

(5) Every person designated a collector according to the regulations who fails to complete the information required in the return to be delivered to the Minister under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$200.

Idem



Assessment

8b.—(1) The Minister may, at any time he considers reasonable, assess or reassess any tax that any person, as agent of the Minister, has collected and has failed to remit and any tax, interest or penalty, as the case may be, payable by him for which he has not accounted.

Assessment  
on inspection

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any consumer or dealer that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collectable or payable in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of tax that any person as agent of the Minister has collected and has failed to remit and the amount of the tax, interest or penalty, as the case may be, payable by him for which he has not accounted.

Notice of  
Assessment

(3) Where the Minister has made an assessment under subsection 1 or 2, he shall deliver a notice of assessment by personal service or shall send such notice of assessment by mail or registered mail to the person so assessed at his last known address, or where the person has more than one address, one of which is in Ontario, to his address in Ontario, and the amount of the assessment shall, subject to subsection 4, be remitted to the Treasurer by the person so assessed within thirty days from the date of personal service or mailing of the notice of assessment.

Idem

(4) Where the Minister has made an assessment under subsection 1 or 2, the notice of assessment may provide that the amount assessed is payable forthwith.

Continuation  
of liability  
for tax

(5) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Minister  
not bound  
by returns

(6) The Minister is not bound by a return or information delivered by or on behalf of any person under this Act and may, notwithstanding that any return or information has been delivered, assess the tax payable under this Act.

Assessment  
valid and  
binding

(7) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Idem

(8) The amount of any assessment is payable within the time required by the notice of assessment whether or not

an objection or appeal from the assessment is made or taken.

8c.—(1) Any amount that is payable or to be remitted to the Treasurer under this Act or the regulations, or that is payable as a penalty imposed under this Act otherwise than a penalty imposed as a result of a prosecution for an offence under this Act, bears interest at the rate prescribed by the regulations from the day on which the amount should have been paid or remitted to the day of payment. Unpaid taxes to bear interest

(2) Any payment to the Treasurer under this Act that is not a fine shall first be applied to any interest payable by the person making a payment or on whose account payment is made. Payment applied first to interest

(3) Where, owing to special circumstances, it is considered inequitable that the whole amount of interest payable by any person under this Act be paid, the Minister may exempt the person from any payment of the whole or any part of such interest. Exemption from payment of interest

8d.—(1) Where a person objects to an assessment made under section 8b, he may, within ninety days from the day of mailing or delivery by personal service of the notice of assessment, serve on the Minister a notice of objection in duplicate in the form prescribed by the regulations setting out the reasons for the objection and all relevant facts. Notice of objection

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. Service

(3) Upon receipt of a notice of objection, the Minister shall with all due dispatch reconsider the assessment and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the person who has made the objection of his action by registered mail. Recon- sideration

8e.—(1) After the Minister has given the notification required by subsection 3 of section 8d, a person who has served notice of objection under section 8d may appeal to the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 3 of section 8d and an appeal under this section shall not be made to the Divisional Court. Appeal

(2) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate Appeal, how instituted



in the form prescribed by the regulations and by filing a copy thereof with the Registrar of the Supreme Court or with the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

**Service**

(3) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

**Content of  
notice of  
appeal**

(4) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

**Reply to  
notice of  
appeal**

(5) After the service on him of a notice of appeal under this section, the Minister shall with all due dispatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

**Matter  
deemed  
action**

(6) Upon the filing of the material referred to in subsection 5, the matter shall be deemed to be an action in the court.

**Disposition  
of appeal**

(7) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the original assessment, or

(iv) referring the assessment back to the Minister for reconsideration and reassessment.

**Idem**

(8) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or by the Treasurer, as the case may be, and may make such order as to costs as is considered proper.

**Procedure**

(9) The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure

relating to appeals, apply to every matter that is deemed to be an action under subsection 6, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

(10) No assessment shall be vacated or varied on appeal by reason only of an irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act. <sup>Irregularities</sup>

(11) The time within which a notice of objection under subsection 1 of section 8*d* or a notice of appeal under subsection 1 of this section is to be served may be extended by the Minister if application for extension is made before expiration of the time for service of the notice of objection or notice of appeal, as the case may be. <sup>Extension of time</sup>

10*a*.—(1) Upon default of payment of an amount assessed under section 8*b*, <sup>Recovery of tax</sup>

- (a) the Minister may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; and
- (b) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount of the tax, interest and penalty or any of them owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, <sup>Compliance to be proved by affidavit</sup>



be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

Remedies  
for recovery  
of tax

(3) The use of any of the remedies provided by this section does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of Her Majesty in right of Ontario.

Garnishment

10b.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability  
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of  
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name and style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been

validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

(6) Subject to *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Garnishment  
of wages  
R.S.O. 1970,  
c. 486

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Failure  
to remit

11a. Every dealer who has failed to collect tax that he is responsible to collect under this Act or the regulations shall pay a penalty, when assessed therefor, equal to not more than twice the amount of tax that he failed to collect.

Penalty for  
failure to  
collect

11b. Any officer, director or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in the commission of any act that is an offence under this Act for which the corporation would be liable for prosecution is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Liability of  
officers of  
corporations

5. Section 13 of the said Act is amended by adding thereto the following subsection:

s. 13,  
amended

(2) Every person who purchases tobacco for resale from any person who is not designated a collector according to the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax that would be exigible on the tobacco so purchased by him if such tobacco had been purchased by a consumer and not more than an amount equal to twice the amount of such tax so ascertained and is in addition liable to imprisonment for a term not exceeding six months.

Offence



ss. 15a, 15b,  
enacted

6. The said Act is further amended by adding thereto the following sections:

Over-  
payments

15a.—(1) Where a person has remitted to the Treasurer a greater amount of money for a period than was required by this Act to be remitted for that period, or a greater amount than was payable by the person, the Treasurer shall either refund the overpayment or, at the option of the Minister, apply the amount of the overpayment to liability of the person with respect to a previous or subsequent period, in which latter case the Minister shall notify the person of such action.

Idem

(2) Where an amount in respect of an overpayment is refunded or applied on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing on the day the overpayment arose and ending with the day of refunding or application on other liability, unless the amount of interest so calculated is less than \$5 in which event no interest need be paid or applied under this subsection.

Idem

(3) Where by a decision of the Minister under section 8d or by a decision of the court it is finally determined that the tax payable under this Act by a person is less than the amount assessed by the assessment to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment of tax, the interest payable under subsection 2 on the overpayment shall be computed at the rate prescribed by the regulations.

Refunds

15b. Any amount refunded under this Act in excess of the amount to which the person receiving the refund was entitled shall be deemed to be tax owing to the Treasurer, and the sections of this Act relating to the assessment (including objection and appeal therefrom) and collection of taxes apply *mutatis mutandis* to the said amount.

s. 16 (1) (n),  
repealed

- 7.—(1) Clause n of subsection 1 of section 16 of the said Act is repealed.

s. 16,  
amended

- (2) The said section 16, as amended by the Statutes of Ontario, 1972, chapter 16, section 2 and 1976, chapter 24, section 3, is further amended by adding thereto the following subsection:

Minister  
may  
prescribe  
forms

(1a) The Minister may make regulations prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

8. The tax levied and collected under *The Tobacco Tax Act* in respect of purchases of tobacco made during the period from and including the 20th day of April, 1977 to and including the 29th day of April, 1977 that would have been lawfully levied and collected had subsection 1 of section 2 of *The Tobacco Tax Act*, as re-enacted by subsection 1 of section 1 of this Act, been in force during that period shall be deemed to have been lawfully levied and collected. Tax  
deemed  
lawfully  
levied
- 9.—(1) This Act, except subsection 2 of section 3, shall be deemed to have come into force on the 28th day of June, 1977. Commence-  
ment
- (2) Subsection 2 of section 3 shall be deemed to have come into force on the 1st day of April, 1977. Idem
10. The short title of this Act is *The Tobacco Tax Amendment Act, 1977*. Short title

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977

ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY







An Act to amend  
The Tobacco Tax Act

*1st Reading*

June 27th, 1977

*2nd Reading*

June 29th, 1977

*3rd Reading*

June 30th, 1977

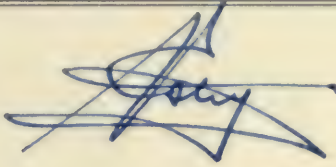
THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

# **BILL 11**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to provide Employment Opportunities for Youth in Ontario**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 11

1977

## An Act to provide Employment Opportunities for Youth in Ontario

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "eligible employee" means a person who is resident and eligible to work in Ontario and who at the time of the commencement of the youth employment program has attained the age of fifteen years but has not attained the age of twenty-five years;
- (b) "eligible employer" means a person who has been actively engaged in business or farming in Ontario for at least one year immediately prior to the commencement of the youth employment program but does not include a municipality or local board thereof, the Government of Canada or the government of any province or any agency, board or commission thereof, or any person prescribed not to be eligible as an employer;
- (c) "employee" means an employee within the meaning of *The Employment Standards Act, 1974*; 1974, c. 112
- (d) "employer" means an employer within the meaning of *The Employment Standards Act, 1974*;
- (e) "farming" includes tillage of the soil, the breeding, raising or grazing of live stock of all kinds, the raising of poultry and the production of poultry products, fur-farming, dairy farming, fruit growing, the growing of food for human consumption or for the feeding of live stock and the keeping of bees;
- (f) "local board" means a local board as defined in *The Municipal Affairs Act*; R.S.O. 1970,  
c. 118

- (g) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (h) "municipality" means a city, town, village, township or improvement district and includes a metropolitan, regional or district municipality;
- (i) "prescribed" means prescribed by the regulations;
- (j) "regulations" means the regulations made under this Act.

**Purpose  
of Act**

**2.** The purpose of this Act is to provide for the establishment of a youth employment program that will encourage the farming and business communities in Ontario to achieve increased employment of youth in Ontario by creating new summer job opportunities and that will provide young people with work experience and skills that better equip them for full-time participation in the labour market.

**Minister  
may make  
grants**

**3.** The Minister may make grants in the prescribed amount to eligible employers who hire eligible employees in accordance with the terms and conditions of the youth employment program established under this Act.

**Effect of  
program**

**4.—(1)** The youth employment program established under this Act shall ensure,

- (a) that employment created under the program is in addition to that normally provided by an employer and that it does not result in the dismissal, lay-off or reduction in regular hours or period of work of any existing employees of an employer; and
- (b) that employment is not provided under the program to an employee where the employer is a related person.

**Interpre-  
tation**

**(2)** For the purposes of clause *b* of subsection 1, "related person" means,

- (i) any spouse, parent, son or daughter, brother or sister of the employee,
- (ii) any relative of the employee or of his spouse, other than a relative referred to in subclause i, who has the same home as the employee, or



- (iii) any body corporate of which the employee and any of the persons referred to in subclause i or ii or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

**5.**—(1) Every person who receives a grant of money under the youth employment program established under this Act shall, at such times and in such manner as may be prescribed, make a return to the Minister in such form as the Minister requires. Returns

(2) Every person who fails to make a return as and when required by subsection 1 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$500. Offence

**6.** The Minister, or any person designated by him in writing, may at all reasonable times enter into any premises or place where any business is carried on or any property is kept, or any thing is done in connection with any business or any books or records are or should be kept pursuant to the provisions of this Act or the regulations to ensure that the provisions of this Act and the regulations are being complied with. Inspection

**7.**—(1) Upon an inspection under section 6, the person inspecting, Powers of  
inspector

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof, providing that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or other thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by the inspector is admissible in evidence Copies



in any action, proceeding or prosecution as being of actual proof of the original.

**Offence**

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$10,000.

**Non-disclosure**

(4) No person employed in the administration or enforcement of this Act shall disclose information obtained under section 6 or this section, except where the disclosure is necessary for the administration or enforcement of this Act or where the disclosure is required by a court for the purposes of an action, prosecution or proceeding.

**Offence**

**8.**—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in related circumstances under which it was made, is false or misleading in respect of any material fact or omits to state any material fact, the omission of which makes the statement false or misleading is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$10,000.

**Saving**

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading, and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

**Recovery of grant made on basis of false application**

**9.** Where any person obtains a grant or disbursement of funds under this Act or the regulations, on the basis of information that is false or misleading or an application that contains any false or misleading statement, the amount of such grant or disbursement together with interest thereon at the prescribed rate, shall be deemed to be a debt due to the Crown and may be recovered by an action in a court of competent jurisdiction.

**Regulations**

**10.**—(1) The Lieutenant Governor in Council may make regulations establishing, amending or revoking a youth employment program and fixing the time of commencement and duration of the program, and, without restricting the generality of the foregoing,

- (a) prescribing the amounts of grants that may be made under the program to employers;
- (b) prescribing the terms and conditions upon which grants under the program may be made;

- (c) prescribing the manner in which eligibility for grants shall be determined;
- (d) prescribing the manner and method by which grants under the program shall be made;
- (e) prescribing the books and records to be kept by employers relating to employees in respect of whom grants under the program may be made;
- (f) prescribing the information and returns to be filed by employers in connection with the program;
- (g) prescribing the rate of interest for the purposes of section 9;
- (h) defining any word or expression used in this Act or the regulations that has not already been expressly defined in this Act;
- (i) prescribing any matter that is required or permitted by this Act to be prescribed by regulation;
- (j) prescribing forms and providing for their use and requiring any information given in a form to be verified by statutory declaration.

(2) A regulation made under subsection 1 may be made <sup>Regulation may be</sup> effective retroactively to a date not earlier than the 19th <sup>retroactive</sup> day of April, 1977.

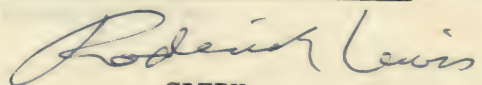
11. Notwithstanding *The Summary Convictions Act*, proceedings to enforce any provision of this Act or the regulations may be instituted within two years after the time the subject-matter of the proceedings arose. <sup>Institution of proceedings R.S.O. 1970, c. 450</sup>

12. The moneys required for the purposes of this Act <sup>Moneys</sup> shall, until the 31st day of March, 1978, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

13. This Act shall be deemed to have come into force <sup>Commencement</sup> on the 19th day of April, 1977.

14. The short title of this Act is *The Ontario Youth Employment Act*, 1977. <sup>Short title</sup>

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977  
 ASSEMBLY PROROGUED December 16 1977

  
 CLERK

An Act to provide  
Employment Opportunities for Youth  
in Ontario

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 4th, 1977

*3rd Reading*

July 5th, 1977

---



---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

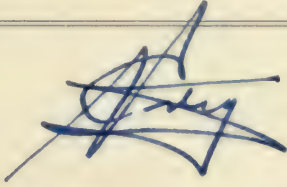
---

# **BILL 12**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Retail Sales Tax Act**

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





## An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 7 of section 1 of *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, is amended by inserting after "means" in the first line "an amusement park or" and by inserting after "performance" in the sixth line "or entertainment". s. 1, par. 7,  
amended
- 2.—(1) Paragraph 2 of subsection 2 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 23, section 2, is repealed and the following substituted therefor: s. 2 (2), par. 2,  
re-enacted
  2. prepared meals sold at a price of over \$6.00.
- (2) Subsection 4 of the said section 2 is repealed and the following substituted therefor: s. 2 (4),  
re-enacted
- (4) Every purchaser of admission to a place or places of amusement shall pay to Her Majesty in right of Ontario a tax computed at the rate of 10 per cent of the price of admission where the price of admission exceeds \$3.00. Tax on  
admission to  
a place of  
amusement
- (3) Subsection 6 of the said section 2 is repealed and the following substituted therefor: s. 2 (6),  
re-enacted
- (6) Where the Minister considers it necessary or advisable, he may determine the amount of any price of admission, or the fair value of any tangible personal property or taxable service, for the purposes of taxation under this Act, and thereupon the price of admission, or fair value of such tangible personal property or taxable service, for such purpose shall be as so determined by him unless, in proceedings instituted by an appeal under section 20, it is established that the determination is unreasonable. Deter-  
mination of  
fair value

s. 4 (1),  
amended

- 3.—(1) Subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 23, section 3, is further amended by striking out “as defined in *The Bulk Sales Act*” in the second line and inserting in lieu thereof “to which *The Bulk Sales Act* applies”.

s. 4 (2),  
amended

- (2) Subsection 2 of the said section 4 is amended by striking out “as defined in *The Bulk Sales Act*” in the first and second lines and inserting in lieu thereof “to which *The Bulk Sales Act* applies”.

s. 5 (1), par. 2,  
amended

- 4.—(1) Paragraph 2 of subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 23, section 4 and amended by 1976, chapter 23, section 3, is further amended by striking out “\$5.00” in the second line and in the fourth line, as inserted by the amendment of 1976, and inserting in lieu thereof in each instance “\$6.00”.

s. 5 (1), par. 2a,  
amended

- (2) Paragraph 2a of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1973, chapter 23, section 4 and amended by 1976, chapter 23, section 3, is further amended by striking out “\$5.00” in the sixth line as inserted by the amendment of 1976, and inserting in lieu thereof “\$6.00”.

s. 5 (1), par. 24b,  
re-enacted

- (3) Paragraph 24b of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 23, section 3, is repealed and the following substituted therefor:

24b. materials or equipment that are used for the conservation of energy and that are,

- (a) thermal insulation materials, as defined by the Minister, that are sold primarily to insulate buildings and that are not primarily for a use prescribed by the Minister to be excluded from the exemption conferred by this paragraph,
- (b) heat pumps for use principally to provide heat in the heating system of a building,
- (c) heat recovery units or devices for extracting heat from exhaust air or waste water to recover energy,
- (d) solar cells to be used to produce directly from sunlight electricity to charge batteries,



- (e) solar furnaces, panels and tubes specially designed to collect and convert solar energy into heat for use in a solar heating system,
- (f) windmills and wind-powered generators that produce mechanical or electrical energy, and pumps and generators specially designed for use directly with such devices,
- (g) timer-controlled thermostats for heating systems in buildings and automatic timer controls for electrical equipment,
- (h) wood-burning stoves and wood-burning furnaces, or
- (i) wind deflectors for trucks;

24c. tangible personal property that is prescribed by the Minister for the purpose of this paragraph and that is purchased by a vendor to be consumed by him in the provision of transient accommodation.

5. Clauses *a* and *b* of subsection 1 of section 11 of the said Act, <sup>s. 11 (1) (a, b),</sup> as enacted by the Statutes of Ontario, 1975, chapter 9, section 5, <sup>re-enacted</sup> are repealed and the following substituted therefor:

(a) \$700; or

(b) the aggregate of,

- (i) 4 per cent of the tax collected by the vendor in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$75 or more,
- (ii) \$3 for each return with respect to tax collected by the vendor in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$3 and is less than \$75, and
- (iii) the tax collected by the vendor in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$3,



s. 18,  
amended

6. Section 18 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 9, section 7, is further amended by adding thereto the following subsections:

Trust money  
in liquidation  
proceedings

(2) Where, by the order of a court or otherwise, any property of a vendor is lawfully taken from his control or possession for the purposes of liquidation in receivership proceedings, winding-up proceedings or for the purpose of a distribution to creditors pursuant to a general assignment made for the benefit of creditors, an amount equal to the amount of tax that was collected by the vendor and that by subsection 1 is deemed to be held in trust for Her Majesty in right of Ontario, shall, to the extent of the amount of tax that was collected by the vendor in the year immediately preceding the date when the vendor lost control or possession of his property and was not remitted to the Treasurer as required by subsection 1, be deemed to be separate from, and to form no part of, the estate or property in liquidation, whether or not that amount has in fact been kept separate and apart from the vendor's own property and in trust in accordance with subsection 1.

Minister's  
certificate

R.S.C. 1970,  
c. B-3

(3) Every person who, as assignee, liquidator, administrator, receiver, receiver-manager, trustee or other like person, other than a trustee appointed under the *Bankruptcy Act* (Canada), takes control or possession of the property of any vendor holding a valid and subsisting permit issued under section 3 shall, before distributing such property or the proceeds from the realization thereof under his control, obtain from the Minister a certificate that the tax collected by the vendor in the year immediately preceding the date when the vendor lost control or possession of his property and not remitted by the vendor as required by subsection 1 has been paid or that security therefor acceptable to the Minister has been given, and any assignee, liquidator, administrator, receiver, receiver-manager, trustee or other like person, other than a trustee appointed under the *Bankruptcy Act* (Canada), who distributes any such property or the proceeds of the realization thereof without having obtained the certificate required by this subsection is personally liable to Her Majesty in right of Ontario for an amount equal to the amount of tax that was collected by the vendor in the year immediately preceding the date when the vendor lost control or possession of his property and not remitted to the Treasurer as required by subsection 1.

s. 30 (2),  
amended

7. Subsection 2 of section 30 of the said Act is amended by inserting after "15" in the fourth line "or 15a".

s. 31,  
amended

8. Section 31 of the said Act is amended by adding thereto the following subsections:

(6) Subject to *The Wages Act*, where the Minister has Garnishment of wages under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act R.S.O. 1970, c. 486 moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

(7) Where any person, without reasonable excuse, has Failure to remit failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

9.—(1) This Act, except section 1, subsections 1 and 2 of section 2, and sections 4, 5 and 7, comes into force on Commencement the day it receives Royal Assent.

(2) Section 7 shall be deemed to have come into force on the Idem 7th day of April, 1976.

(3) Section 5 shall be deemed to have come into force on Idem the 1st day of April, 1977.

(4) Section 1, subsections 1 and 2 of section 2 and section 4 Idem shall be deemed to have come into force on the 20th day of April, 1977.

10. The short title of this Act is *The Retail Sales Tax Amendment Act, 1977*. Short title

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977

ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY

An Act to amend  
The Retail Sales Tax Act

*1st Reading*

June 27th, 1977

*2nd Reading*

July 5th, 1977

*3rd Reading*

July 6th, 1977

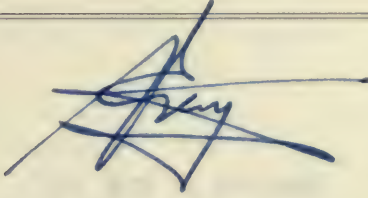
THE HON. MARGARET SCRIVENER  
Minister of Revenue

# **BILL 13**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Land Transfer Tax Act, 1974**

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





**An Act to amend  
The Land Transfer Tax Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Land Transfer Tax Act, 1974*, being chapter 8, as amended by the Statutes of Ontario, 1974, chapter 93, section 1, is further amended by adding thereto the following clauses:

(ha) “recreational land” means land that is not used exclusively as residential land and that is predominantly used for the recreation and enjoyment of its owner or lessee or those, other than persons using the land for agricultural purposes, who are permitted by such owner or lessee to be on the land;

(hb) “residential” means, when used in respect of land, the land subjacent to a building that is the main and principal residence of the occupants, whether as owners or tenants, and includes all immediately contiguous lands necessary and used for such residence;

(la) “unrestricted land” means land that,

- (i) under a by-law passed pursuant to section 35 of *The Planning Act*, or under an order made pursuant to section 32 of that Act is zoned for commercial or industrial use, or

R.S.O. 1970,  
c. 349

- (ii) where subclause i does not apply, is assessed under *The Assessment Act* for residential assessment or is lawfully used and occupied or was last lawfully used or occupied for commercial, industrial or residential purposes,

R.S.O. 1970,  
c. 32

R.S.O. 1970,  
c. 32

and that is not assessed under *The Assessment Act*, or is not actually used, as farm or agricultural land, woodlands, recreational land or as an orchard.

s. 1 (1) (m) (iv),  
re-enacted

- (2) Subclause iv of clause *m* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(iv) in the case of a final order of foreclosure under any mortgage or charge affecting land, the lesser of,

(A) the amount owed under the mortgage or charge at the time it was foreclosed, including principal, interest and all other costs and expenses, other than municipal taxes, secured by the mortgage or charge and owing at that time, or

(B) an amount established to the satisfaction of the Minister to be equal to the fair market value of the land that is subject to the mortgage or charge.

s. 2 (1),  
re-enacted

- 2.—(1) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

Tax  
imposed

- (1) Every person who tenders for registration in Ontario,

(a) a conveyance whereby any land is conveyed to or in trust for any transferee who is not a non-resident person; or

(b) a conveyance that is a conveyance only of unrestricted land and upon which is endorsed or to which is attached a certification by the Minister, or by some person authorized by the Minister in writing to make the certification, that all of the land being conveyed is unrestricted land,

shall, before the conveyance is registered, pay a tax computed at the rate of three-tenths of 1 per cent of the value of the consideration for the conveyance up to and including \$35,000, and at the rate of six-tenths of 1 per cent upon the remainder of the value of the consideration.

s. 2 (2),  
amended

- (2) Subsection 2 of the said section 2 is amended by inserting after "land" in the second line "that is not unrestricted land".



- (3) The said section 2, as amended by the Statutes of Ontario, <sup>s.2, amended</sup> 1974, chapter 93, section 2, is further amended by adding thereto the following subsection:

(6) Where only a part of the land being conveyed is unrestricted land and the conveyance is to or in trust for any non-resident person, the Minister may, to the extent that he considers it practicable, determine what amount of the value of the consideration for the conveyance is reasonably attributable to the unrestricted land being conveyed, and the person tendering the conveyance for registration is, notwithstanding subsection 1 or 2, liable to a tax computed at the rate of six-tenths of 1 per cent of such amount so determined, and is liable to a tax computed at the rate of 20 per cent of the amount of the value of the consideration for the conveyance that is determined by the Minister not to be reasonably attributable to the unrestricted land being conveyed. <sup>Apportionment of consideration</sup>

- 3.—(1) Subsection 2 of section 4 of the said Act is repealed and <sup>s. 4 (2), re-enacted</sup> the following substituted therefor:

(2) The affidavit required by subsection 1 shall be made by the persons who are required to make the affidavit required by subsection 3, and notwithstanding subsection 3, the Minister may prescribe a form in which the affidavits required by subsection 1 or 3 are combined as one affidavit for the purposes of those subsections. <sup>Affidavit by whom to be made</sup>

- (2) Subsections 3 and 4 of the said section 4 are repealed and <sup>s. 4 (3, 4), re-enacted</sup> the following substituted therefor:

(3) In addition to the affidavit required by subsection 1, there shall be filed with the collector and attached by him to the conveyance to which it relates an affidavit in Form 1 or in such other form as is prescribed, and the affidavit shall be made by, <sup>Affidavit as to residence</sup>

- (a) each transferee to whom or in trust for whom any land is conveyed by the conveyance to which the affidavit relates;
- (b) each trustee to whom any land is conveyed and who is shown as a trustee in the conveyance to which the affidavit relates;
- (c) each transferee named in the conveyance to which the affidavit relates;



- (d) an agent of any person referred to in clause *a*, *b* or *c*, if the agent is authorized in writing to make the affidavit;
- (e) the solicitor acting in the transaction as the solicitor for any person referred to in clause *a*, *b* or *c*;
- (f) the presiding officer authorized to act for a corporation that is a person referred to in clause *a*, *b* or *c*, or the Vice-President, Manager, Secretary, Director or Treasurer authorized to act for such corporation; or
- (g) either of two transferees who are married to each other and both of whom are transferees referred to in clause *a*, *b* or *c*, where the transferee making the affidavit is acting on behalf of the other of such transferees,

and such affidavit shall state whether the transferee to whom the land is being conveyed is a non-resident person or the trustee for a non-resident person, and shall state such other information as is required in order to complete the affidavit.

Affidavits,  
what to  
contain

(4) The affidavit required by subsection 1 or 3 shall state that the person making it has personal knowledge of the facts stated in it, and shall state, where applicable, the capacity in which such person is making the affidavit and the name of any transferee on whose behalf such person is making the affidavit.

s. 4 (6),  
amended

(3) Subsection 6 of the said section 4, as amended by the Statutes of Ontario, 1974, chapter 93, section 3, is further amended by striking out "7" in the first line as inserted by the amendment of 1974 and inserting in lieu thereof "7 or 8".

s. 4,  
amended

(4) The said section 4 is further amended by adding thereto the following subsection:

Affidavit  
as to  
residence not  
required

(8) Notwithstanding subsection 3, where a conveyance tendered for registration has endorsed upon it or attached to it the certification in accordance with clause *b* of subsection 1 of section 2 that all of the land being conveyed is unrestricted land, no affidavit is required under subsection 3 on the tender of such conveyance for registration.

s. 8,  
amended

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 93, section 5, is further amended by adding thereto the following subsection:

(4) Where tax has been paid with respect to the registration of a conveyance of unrestricted land to or in trust for a non-resident person, and it is established to the satisfaction of the Minister that the certification in accordance with clause *b* of subsection 1 of section 2 was erroneously refused after full and complete disclosure of all relevant circumstances and facts to the person requested to make the certification, the Minister may refund any tax that would not have been payable had the certification been properly given, provided that application for such refund is made within three years of the payment of the tax of which a refund is sought.

Refunds on conveyances of unrestricted land

5. Subsection 4 of section 12 of the said Act is repealed and the following substituted therefor:

s. 12 (4). re-enacted

(4) The Minister may assess or reassess any person for any tax payable by him under this Act within four years from the day such tax became payable, except that, where the Minister establishes that a person has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in supplying any information under this Act, in making any affidavit required by this Act, or in omitting to disclose any information, the Minister may assess or reassess at any time he considers reasonable the tax payable by such person.

Limitation on assessment

6. The said Act is further amended by adding thereto the following sections:

ss. 14a, 14b. enacted

14a.—(1) Upon default of payment of an amount assessed under section 12,

Recovery of tax

- (a) the Minister may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; and
- (b) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person assessed for tax under this Act is located or situate for the amount of the tax, interest and penalty or any of them owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the



same force and effect as a writ of execution issued out of the Supreme Court on a judgment in favour of the Crown.

Compliance  
to be  
proved by  
affidavit

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

Remedies  
for recovery  
of tax

(3) The use of any of the remedies provided by this section does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of the Crown.

Garnishment

14b.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability  
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

Service on  
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly

served if it has been left with an adult person employed at the place of business of the addressee.

(5) Where the persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. Idem

(6) Subject to the provisions of *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally. Garnishment  
of wages  
R.S.O. 1970,  
c. 486

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit. Failure  
to remit

7.—(1) Subsection 1 of section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 93, section 7, is amended by adding "or" at the end of clause *c* and by striking out clauses *e*, *f* and *g*. s. 16 (1),  
amended

(2) The said section 16, as amended by the Statutes of Ontario, 1974, chapter 93, section 7, is further amended by adding thereto the following subsections: s. 16,  
amended

(5a) Where a person entitled to the leasehold interest in land acquires the freehold interest therein, the value of the consideration for the conveyance to that person of the freehold interest may be reduced by the amount of the value of the consideration for the conveyance by which such person acquired his leasehold interest in the land if the value of that consideration was determined under sub-clause *v* of clause *m* of subsection 1 of section 1 and if tax was computed and paid with respect to the value of Reduction of  
consideration  
on lessee  
acquiring  
freehold



that consideration so determined, but the reduction shall not exceed the value of the consideration for the conveyance of the freehold interest.

Interpre-  
tation

(5b) For the purposes of clause *b* of subsection 1, farming shall not be considered to be an active commercial or industrial business.

Commence-  
ment

8.—(1) This Act, except sections 1, 2, 3, 4 and 7 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2, subsections 2, 3 and 4 of section 3, and sections 4 and 7 shall be deemed to have come into force on the 20th day of April, 1977.

Idem

(3) Subsection 1 of section 3 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of this Act is *The Land Transfer Tax Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE

*July 12*

ASSEMBLY PROROGUED

*December 16*

*Rodney Lewis*

CLERK  
LEGISLATIVE ASSEMBLY



An Act to amend  
The Land Transfer Tax Act, 1974

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 5th, 1977

*3rd Reading*

July 6th, 1977

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

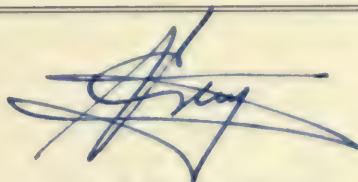
---

# **BILL 14**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Land Speculation Tax Act, 1974**

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 14

1977

**An Act to amend  
The Land Speculation Tax Act, 1974**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Sub-subclause A of subclause i of clause *a* of subsection 1 of section 1 of *The Land Speculation Tax Act, 1974*, being chapter 17, as amended by the Statutes of Ontario, 1974, chapter 121, section 1, is further amended by inserting after "BB," in the amendment of 1974 "BC,". s. 1 (1) (a)  
(i) (A),  
amended
- (2) Subclause i of clause *a* of subsection 1 of the said section 1 is amended by adding thereto the following sub-subclause: s. 1 (1) (a) (i),  
amended
  - (BC) as the result of his reacquisition otherwise than by a disposition described in subclause iii of clause *d*, of the rights under a lease or similar arrangement that, when originally granted or effected, was a disposition by him within the meaning of subclause iii of clause *d*, that amount that was determined to be the proceeds of disposition in accordance with subclause iv of clause *l* with respect to such original disposition by him.
- (3) Sub-subclause C of subclause i of clause *a* of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 121, section 1, is further amended by inserting after "BB" in the amendment of 1974 " , BC". s. 1 (1) (a)  
(i) (C),  
amended
- (4) Subclause ii of clause *a* of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 121, section 1, is repealed and the following substituted therefor: s. 1 (1) (a) (11),  
re-enacted

- (ii) where the designated land was acquired by the transferor on or before the 9th day of April, 1974, the higher of either the fair market value of the designated land ascertained as at the 9th day of April, 1974, or the sum of the cost to the transferor of the acquisition of the designated land and the cost of improvements made by him on or before the 9th day of April, 1974.

s. 1,  
amended

- (5) The said section 1 is further amended by adding thereto the following subsections:

Disposition  
of reversion

(13) Where the transferor is disposing of the fee simple in designated land that is, at the time of such disposition, subject to a lease or other similar arrangement that was originally granted or effected by him, he may, in lieu of the amount required by subclause i or ii of clause *a* of subsection 1 to be added to the adjusted value applicable to such disposition, add an amount equal to either,

- (a) the fair market value of the whole interest in the designated land, ascertained as of the 9th day of April, 1974, if such lease or similar arrangement was granted or effected on or before that date; or
- (b) an amount equal to the fair market value of the whole interest in the designated land at the date of the disposition made by him after the 9th day of April, 1974 by which such lease or similar arrangement was granted or effected and the proceeds of which were required to be determined in accordance with subclause iv of clause *l* of subsection 1.

Proceeds of  
disposition  
deemed not  
to have  
arisen

(14) Sub-subclause B of subclause i of clause *a* of subsection 1 as it appears on the day this subsection comes into force shall be deemed to have been in force on and after the 9th day of April, 1974 and with respect to the death of any person on or after that date resulting in a disposition described in subclause iv of clause *d* of subsection 1, no proceeds of disposition shall be deemed to have arisen.

s. 2 (2),  
re-enacted

- 2. Subsection 2 of section 2 of the said Act is repealed and the following substituted therefor:

Idem

(2) Where there is a disposition within the meaning of subclause vi or vii of clause *d* of subsection 1 of section 1 of any designated land that is not unrestricted land, as defined in *The Land Transfer Tax Act, 1974* and the result of the



disposition is that control of the corporation beneficially interested in the designated land is exercisable by a person or a group of persons different from those by whom control of the corporation was exercisable before the disposition, there shall be imposed and levied, for the uses of Her Majesty in right of Ontario, upon the designated land a tax, in addition to the tax imposed by subsection 1, calculated on the proceeds of disposition of the designated land that is not unrestricted land, as defined in *The Land Transfer Tax Act*, 1974, c. 8, 1974 and computed at the rate of 20 per cent of such proceeds of disposition where the corporation beneficially interested in the designated land is, immediately after the disposition has occurred, a non-resident corporation as defined in *The Land Transfer Tax Act*, 1974.

- 3.—(1) Clause *d* of section 4 of the said Act is amended by striking out “as a tourist resort of a class, kind or designation prescribed by the Minister by regulation, or” in the second, third and fourth lines. s. 4 (d),  
amended
- (2) Clause *g* of the said section 4 is amended by adding at the end thereof “and for the purpose of determining the time at which a transferor making a disposition described in this clause is first entitled to the exemption conferred by this clause, the expression ‘time of the disposition’ means the time when the person to whom the disposition is made is first entitled to call for delivery to him of a conveyance or transfer of the designated land disposed of or of some other document or evidence of title the agreement to give which was a disposition of the designated land, and no disposition of designated land that is exempt from tax by virtue of this clause shall be deemed to have occurred, for the purposes of this Act, until the time of the disposition, as defined in this clause”. s. 4 (g),  
amended
4. The said Act is amended by adding thereto the following section: s. 4a,  
enacted
- 4a. Notwithstanding clause *f* of section 4, the exemption conferred by that clause may be claimed by a transferor if, at the time he claims the exemption, the person to whom the designated land is disposed of, has furnished to the transferor claiming the exemption the affidavit described in subsection 3 of section 4 of *The Land Transfer Tax Act*, 1974 showing that such person is not a non-resident person as defined in that Act. When  
exemption  
may be  
claimed
5. Subsection 4 of section 8 of the said Act is repealed and the following substituted therefor: s. 8 (4),  
re-enacted
- (4) The Minister may assess or reassess any tax payable by any person under this Act within four years from the day Assessment  
from time  
to time



such tax became payable except that, where the Minister establishes that any person liable to tax has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in making any affidavits or applications or in supplying any information under this Act or in omitting to disclose any information, then the Minister may assess or reassess tax imposed by this Act at any time he considers reasonable.

s. 20 (2),  
amended

- 6.—(1) Subsection 2 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 121, section 5, is amended by striking out “one-tenth thereof for each full twelve-month period up to a maximum of ten such periods” in the fourth, fifth and sixth lines and inserting in lieu thereof “ $1\frac{2}{3}$  per cent of such taxable value for each full month up to a maximum of sixty full months”.

s. 20 (3),  
amended

- (2) Subsection 3 of the said section 20, as enacted by the Statutes of Ontario, 1974, chapter 121, section 5, is amended,

(a) by striking out “one-tenth thereof for each full twelve-month period up to a maximum of ten such periods” in the seventh, eighth and ninth lines and inserting in lieu thereof “five-sixths of one per cent of such taxable value for each full month up to a maximum of 120 full months”; and

(b) by adding at the end thereof “provided that, where such uninterrupted period of time is less than 120 full months, the transferor may, in computing the reduction in taxable value authorized by this subsection, add to such uninterrupted period of time the number of full months prior to such uninterrupted period of time that does not increase such uninterrupted period of time beyond 120 full months and during which either the transferor or his spouse carried on farming on the designated land”.

s. 22a (2),  
amended

7. Subsection 2 of section 22a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 121, section 7, is amended by striking out “shall” in the fifth line and inserting in lieu thereof “may”.

Commence-  
ment

8. This Act shall be deemed to have come into force on the 20th day of April, 1977.

Short title

9. The short title of this Act is *The Land Speculation Tax Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977

ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*

CLERK, LEGISLATIVE ASSEMBLY



An Act to amend  
The Land Speculation Tax Act, 1974

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 6th, 1977

*3rd Reading*

July 6th, 1977

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

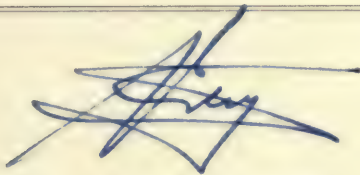
---

# BILL 15

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## An Act to amend The Corporations Tax Act, 1972

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---

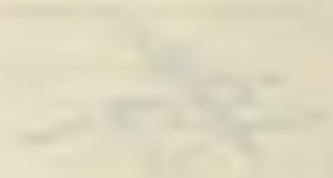
---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



THE UNIVERSITY OF CHICAGO



THE UNIVERSITY OF CHICAGO



BILL 15

1977

## An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Corporations Tax Act, 1972*, <sup>s. 24 (1), amended</sup> being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 5, 1974, chapter 75, section 3, 1975, chapter 17, section 8 and 1976, chapter 32, section 4, is further amended by adding thereto the following clause:

(x) such amount as is allowed to the corporation by <sup>Resource allowance</sup> regulation in respect of oil or gas resources in Canada, as defined by regulation.

2. Subsections 1 and 2 of section 62 of the said Act, as re-enacted <sup>s. 62 (1, 2), re-enacted</sup> by the Statutes of Ontario, 1974, chapter 75, section 4, are repealed and the following substituted therefor:

(1) Except as otherwise provided in this section, there <sup>Allowance for oil or gas well, mine or timber limit</sup> may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of,

- (a) an oil or gas well, mineral resource or timber limit; or
- (b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

as is allowed by regulation.

(2) For greater certainty, it is hereby declared that, in <sup>Regulations</sup> the case of a regulation made under subsection 1,

- (a) there may be prescribed by such regulation an amount in respect of any or all,

(i) oil or gas wells or mineral resources in which the corporation has an interest, or

(ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and

(b) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

s. 126 (2) (b),  
re-enacted

3. Clause *b* of subsection 2 of section 126 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 42, section 11, is repealed and the following substituted therefor:

(b) its rest account and all its reserves, whether created from income or otherwise, except any reserve the creation of which is allowed as a charge against income under the provisions of Part II; and

ss. 131, 132,  
re-enacted

4. Sections 131 and 132 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 42, sections 14 and 15 respectively, are repealed and the following substituted therefor:

Rate of  
capital tax  
on non-  
banking  
corporations

131.—(1) Except as provided in subsection 2, the tax payable under this Part by a corporation for a fiscal year calculated upon its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, in this subsection referred to as the "amount taxable", is three-tenths of 1 per cent of the amount taxable.

Rate of  
capital tax  
on banks

(2) The tax payable under this Part by a bank for a fiscal year calculated upon its taxable paid-up capital, in this subsection referred to as the "amount taxable", is three-fifths of 1 per cent of the amount taxable.

Deductions  
from tax on  
paid-up  
capital

132.—(1) Except as provided in subsection 2, there may be deducted from the tax otherwise payable under this Part by a corporation for a fiscal year an amount equal to three-tenths of 1 per cent of that portion of the taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, that is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.



(2) There may be deducted from the tax otherwise <sup>Idem</sup> payable under this Part by a bank for a fiscal year an amount equal to three-fifths of 1 per cent of that portion of its taxable paid-up capital, that is deemed to be used by the bank in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

5. The said Act is amended by adding thereto the following <sup>s. 133a, enacted</sup> section:

133a.—(1) Notwithstanding sections 131 and 132 and <sup>Flat rate tax</sup> except as provided in subsections 1 and 2 of section 135, the tax payable under this Part shall be,

- (a) \$50, where the taxable paid-up capital used in Ontario does not exceed \$50,000; or
- (b) \$100, where the taxable paid-up capital used in Ontario exceeds \$50,000 but does not exceed \$100,000.

(2) For the purposes of subsection 1, "taxable paid-up capital used in Ontario" means the taxable paid-up capital, or taxable paid-up capital employed in Canada, as the case may be, less that portion thereof that is deemed to be used by the corporation in the fiscal year in a jurisdiction outside Ontario determined under rules prescribed by the regulations. <sup>Interpretation</sup>

6. Section 136 of the said Act is repealed and the following <sup>s. 136, re-enacted</sup> substituted therefor:

136. Subject to section 133, where a corporation has a <sup>Apportionment of capital tax</sup> fiscal year of less than 365 days, the tax otherwise payable by it under this Part shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply,

- (a) to any corporation to which section 135 applies; or
- (b) to any corporation the fiscal year of which does not end on the same date each year, but that has been accepted for purposes of assessment under this Act.

- 7.—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent. <sup>Commencement and application</sup>

(2) Section 4 shall be deemed to have come into force on <sup>Idem</sup> the 20th day of April, 1977 and applies to corporations



in respect of all fiscal years ending after the 19th day of April, 1977, except that in determining the tax payable under Part III of the said Act, as amended by this Act, by a corporation in respect of which section 133a of the said Act is not applicable, for a fiscal year that ends after the 19th day of April, 1977 and that includes that day, the following rules apply,

- (a) determine the tax under Part III of the said Act, as amended by this Act that, but for the rules made applicable by this section, would be payable by the corporation for a fiscal year that ends after the 19th day of April, 1977 and that includes that day;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of the fiscal year that follow the 19th day of April, 1977 bears to the total number of days of that fiscal year;
- (c) determine the tax that, but for the rules made applicable by this section, would be payable for the fiscal year that ends after the 19th day of April, 1977, and that includes that day, under Part III of the said Act, as that Part stood prior to the 20th day of April, 1977, and on the assumption that that Part was applicable to that fiscal year;
- (d) determine the proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 20th day of April, 1977 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the tax under Part III of the said Act, as amended by this Act, that is payable by the corporation for its fiscal year that ends after the 19th day of April, 1977 and that includes that day.

Idem

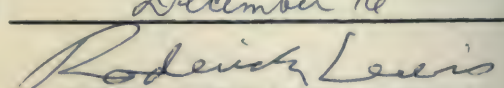
- (3) Section 5 shall be deemed to have come into force on the 20th day of April, 1977 and applies to corporations in respect of all fiscal years that end after the 19th day of April, 1977.

Short title

8. The short title of this Act is *The Corporations Tax Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12

ASSEMBLY PROROGUED

December 16  
  
 CLERK, LEGISLATIVE ASSEMBLY



An Act to amend  
The Corporations Tax Act, 1972

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 6th, 1977

*3rd Reading*

July 6th, 1977

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

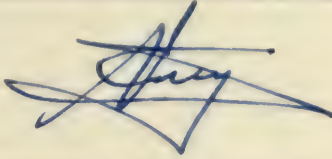
---

# **BILL 16**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Gift Tax Act, 1972**

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 16

1977

## An Act to amend The Gift Tax Act, 1972

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Gift Tax Act, 1972*, being chapter 12, is <sup>s. 6.</sup> repealed and the following substituted therefor: <sup>re-enacted</sup>

6. For the purposes of this Act, where an individual makes a loan to, or disposes of property to, a person with whom he is not dealing at arm's length in consideration of a promise or covenant to pay money at a time in the future, at a rate of interest less than the rate of interest prescribed in the regulations, the value of the promise or covenant to pay shall be discounted at a rate of interest prescribed in the regulations. <sup>Promises to pay as consideration</sup>

2. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 165, section 2, 1975, chapter 15, section 1 and 1976, chapter 11, section 1, is further amended by adding thereto the following clause: <sup>s. 10 (1), amended</sup>

(ga) the value of any beneficial interest given by a donor to his spouse by way of a gift made by the creation of a settlement or the transfer of property to a trust, if such settlement or trust,

- (i) is made in writing,
- (ii) contains no provision by which any part of the settlement or trust can be revoked, altered or amended in any way by any person,
- (iii) provides that, during the lifetime of the donor's spouse, all property or benefits received by the trustee or trustees as income of, or determined by the trustee or trustees

to be income of, such settlement or trust shall be held for or paid to only the donor's spouse or such spouse's executors or administrators,

- (iv) immediately, absolutely and indefeasibly vests the whole beneficial interest given by the donor only in persons who are alive at the time of the gift and whose interest in such settlement or trust cannot thereafter be divested by the occurrence of any event provided for in such settlement or trust, and
- (v) contains and is subject to no discretion exercisable by any person for or in favour of any object or person other than the donor's spouse.

s. 11 (1),  
amended

- 3.—**(1) Subsection 1 of section 11 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 165, section 3, and 1975, chapter 15, section 2, is further amended by striking out "five" in the eighth line, as inserted by the amendment of 1975, and inserting in lieu thereof "ten" and by striking out "\$25,000" in the fourteenth line, as inserted by the amendment of 1975, and inserting in lieu thereof "\$50,000".

s. 11,  
amended

- (2) The said section 11 is amended by adding thereto the following subsection:

Computation  
of taxable  
value of  
gift

- (3) In computing the taxable value of a gift with respect to any part of which exemption is conferred by clause *ga* of section 10, that part of the value of the property given and to which exemption under clause *ga* of section 10 does not extend shall be determined without regard to the effect thereon of any discretion that is contained in the settlement or trust described in clause *ga* of section 10 or that may otherwise be exercised to make payments out of the property that is subject to such settlement or trust or to alter the interest of any person in such settlement or trust.

s. 18 (1) (b),  
re-enacted

- 4.** Clause *b* of subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1975, chapter 15, section 3, is repealed and the following substituted therefor:

- (b) a gift made to an individual having a value of not more than \$10,000 if the aggregate value of gifts made to individuals by the donor in the year does not exceed \$50,000,



5.—(1) Subsection 6 of section 34 of the said Act, as amended<sup>s. 34 (6), amended</sup> by the Statutes of Ontario, 1975, chapter 15, section 4, is further amended by striking out "\$25,000" in the amendment of 1975 in the fourth line and in the amendment of 1975 in the eighth line and inserting in lieu thereof in each instance "\$50,000" and by striking out "\$5,000" in the amendment of 1975 in the thirteenth line and inserting in lieu thereof "\$10,000".

(2) The said section 34 is amended by adding thereto the<sup>s. 34, amended</sup> following subsection:

(7) Notwithstanding subsection 1, where a donor fails to<sup>Non-resident donees</sup> pay, as herein required, all or a portion of the tax payable by him on or in respect of gifts made by him in a year to a donee who is not a resident of Ontario at the time the gift was made, the property of such donee that is situate in Ontario at the time the gift was made, including any property in Ontario comprised in the gift to such donee, is liable for the payment to the Treasurer of Ontario of the same amount of tax as would be payable by the donee in accordance with this section if he were a resident of Ontario at the time the gift was made to him.

6. Subsection 1 of section 47 of the said Act is repealed and<sup>s. 47 (1), re-enacted</sup> the following substituted therefor:

(1) Where tax, interest or penalties are payable by any<sup>Lien on real property</sup> person under this Act, or where any property is liable for the payment of any tax, interest or penalties payable under this Act, the Minister may file or cause to be filed in the proper land registry office a certificate of lien in prescribed form against real property belonging to such person, or against any real property liable for the payment of any tax, interest or penalties payable under this Act, and setting out a description of the real property and the amount of tax, interest or penalties for which such person or property is liable, and upon the certificate's being filed, the real property described therein is, to the extent of the interest therein of any person liable to pay any tax, interest or penalties under this Act or whose property in Ontario is liable for the payment thereof, subject to a lien in favour of the Crown for the amount owing, and such lien has priority over all interests in such real property, except interests and encumbrances filed prior to the registration of the certificate and entitled to priority over the Crown.

(1a) Upon the filing of the certificate referred to in sub-<sup>Enforcement of lien</sup>section 1, the Minister may deliver to the sheriff of the county or district where the real property against which the certi-



ificate has been filed is situated, a warrant of execution issued by or on behalf of the Minister for the amount claimed in the certificate, together with interest accruing thereon under this Act and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court on a judgment in favour of the Crown and shall entitle the Crown to payment in accordance with the priorities and preferences attaching to or resulting from the lien arising under subsection 1.

Commence-  
ment

7.—(1) This Act, except sections 1 to 4 and subsection 1 of section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3, 4 and subsection 1 of section 5 shall be deemed to have come into force on the 1st day of January, 1977.

Short title

8. The short title of this Act is *The Gift Tax Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12

ASSEMBLY PROROGUED

December 16

*Roderick Lewis*

CLERK

LEGISLATIVE ASSEMBLY



An Act to amend  
The Gift Tax Act, 1972

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 6th, 1977

*3rd Reading*

July 6th, 1977

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

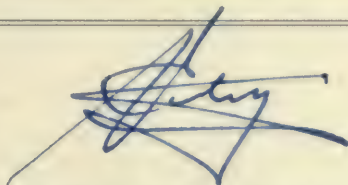
---

# BILL 17

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## An Act to amend The Motor Vehicle Fuel Tax Act

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



THE  
LIBRARY OF THE  
MUSEUM OF MODERN ART



1950-1951

1950-1951

1950-1951

BILL 17

1977

## An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Motor Vehicle Fuel Tax Act*, being chapter 282 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975, chapter 10, section 1, is repealed and the following substituted therefor: s. 2,  
re-enacted

2.—(1) Unless he is a registrant, no person shall supply fuel that is taxable or exempt from tax under this Act or the regulations to any person, except as authorized in writing by the Minister, and every person in the business of supplying fuel for any purpose shall register with the Minister as required by this section or the regulations. Persons  
required to  
register

(2) Unless he is a registrant or is specifically exempted by the regulations from the application of this subsection, no person shall receive fuel as a registrant. Idem

(3) Where the Minister is satisfied that the applicant for a registration certificate will be acquiring fuel principally, Idem

(a) for resale by the applicant;

(b) to be used by the applicant in a manner or for a purpose that will render such fuel exempt from tax by virtue of this Act or the regulations, or that will entitle the applicant to apply to the Minister for a full refund of the tax imposed by this Act on such fuel, and that the amount of fuel to be used by the applicant will generally exceed 75 gallons of fuel per month; or

(c) to be disposed of or consumed by the applicant in a manner prescribed by the regulations for the purpose of this subsection,

the Minister may issue a registration certificate to such applicant, and the certificate may be made subject to such conditions and restrictions as the Minister considers necessary to ensure that fuel acquired by the applicant through his use of the certificate will be dealt with by the applicant in accordance with clause *a*, *b* or *c*, as the case may be.

Idem

(4) Every person required to be a registrant under this section or the regulations shall, by such form and in such manner as the Minister requires, apply for registration, and subject to this Act and the regulations, a registration certificate shall be issued by the Minister, and every such certificate shall expire on the 31st day of March next following the date of its issue, is not transferable, and may be renewed annually if the registrant to whom it is issued is not in contravention of this Act or the regulations and continues to satisfy the conditions under which the certificate is issued.

Refusal to  
issue and  
cancellation

(5) The Minister may refuse to issue a registration certificate to any applicant, or may suspend or cancel any registration certificate, if the person to whom the certificate is issued, or if an applicant to whom a certificate has been issued, contravenes or has permitted the contravention of the provisions of this Act or the regulations or the conditions or restrictions upon which his certificate is or was issued, but, subject to subsection 6, before any refusal, suspension or cancellation is made, the applicant or registrant, as the case may be, shall be afforded an opportunity, at a hearing before the Minister or some person authorized by the Minister to hold the hearing, to show cause why the issue of a registration certificate should not be refused or why the registration certificate should not be suspended or cancelled, whichever is the case.

Idem

(6) Where a registrant has failed to remit the tax that he has collected under this Act or that is payable by him under this Act at the time and in the manner required by this Act or the regulations, the Minister may, by notice in writing to the registrant and without a hearing, suspend forthwith the registrant's certificate of registration, and the notice shall state the failure of the registrant for which his certificate is suspended and shall fix a day, not more than fifteen days after the date of the suspension, for a hearing before the Minister or some person authorized by him to hold the hearing to determine whether the registrant's suspension should be rescinded or continued and upon what conditions the suspension may be rescinded or continued.

Service of  
notice

(7) The notice under subsection 6 and a notice of hearing under subsection 5 is properly served if served either by



personal service or by registered mail sent to the last known address of the registrant or applicant, as the case may be.

(8) Every person who,

Offence

- (a) is required to become a registrant by this section or by the regulations and who fails to do so;
- (b) being a registrant, contravenes this Act or the regulations or any condition or restriction contained in his certificate of registration issued under this Act or the regulations; or
- (c) not being a registrant, supplies, disposes of, consumes or deals with any fuel in a manner that would require him to be a registrant under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax, if any, that should have been paid or remitted by such person in compliance with this Act or the regulations, plus an additional amount of not less than \$100 and not more than \$2,000.

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 14, section 2 and 1972, chapter 147, section 2, is further amended by adding thereto the following subsection: s. 3,  
amended

(10) Where any person selling fuel receives any payment made as or in lieu of the tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax payable under this Act. Amounts  
in lieu  
of tax

3. Subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 147, section 3, is further amended by adding at the end thereof "or that he is a registrant". s. 4 (1),  
amended

- 4.—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 147, section 4, is amended by inserting after "may" in the sixth line "stop and". s. 4a (1),  
amended



s. 4a (2),  
amended

- (2) Subsection 2 of the said section 4a is amended by inserting after "be" in the first line "stopped and".

s. 5,  
amended

- 5.—(1) Section 5 of the said Act is amended by striking out "upon request therefor" in the second line.

s. 5,  
amended

- (2) The said section 5 is further amended by adding thereto the following subsection:

Respon-  
sibility of  
purchaser

- (2) Upon the request of the Minister, every purchaser of fuel and every person in control of a motor vehicle that contains fuel shall furnish to the Minister proof that the fuel was purchased from a registrant or that tax has been paid on such fuel or that no tax was payable under this Act on such fuel.

s. 7 (2),  
re-enacted

6. Subsection 2 of section 7 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 10, section 2, is repealed and the following substituted therefor:

Exception

- (2) No registrant shall collect the tax imposed by this Act on fuel supplied by him to a registrant, unless the fuel is supplied by delivering it directly into the fuel tank of a motor vehicle licensed or required to be licensed under *The Highway Traffic Act*, or unless the registrant to whom the fuel is supplied is required or permitted by this Act or the Minister to pay the tax imposed by this Act.

R.S.O. 1970,  
c. 202

s. 10b (1),  
amended

- 7.—(1) Subsection 1 of section 10b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 147, section 7, is amended by inserting after "in" in the second line "subsection 8 of section 2 or in".

s. 10b (2),  
amended

- (2) Subsection 2 of the said section 10b is amended by inserting after "under" in the first line "subsection 8 of section 2 or under" and by inserting after "collected" in the sixth line and in the seventh line "or paid".

ss. 16a, 16b,  
enacted

8. The said Act is amended by adding thereto the following sections:

Investi-  
gations

- 16a.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act or the regulations may at all reasonable times enter and examine any motor vehicle containing fuel or enter into any premises where any business is carried on or any property is kept or anything is done in connection with any business or where any books or records are or should be kept pursuant to this Act or the regulations, and may,

- (a) audit or examine the books, records, accounts, vouchers, letters, telegrams or other documents that relate or may relate either to the information that is or should be in the books or records or to the amount of tax that is or should be collected, payable or remitted under this Act or the regulations;
- (b) examine any fuel or motor vehicle or the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act or that should be remitted or collected under this Act or the regulations;
- (c) require a purchaser, retailer, wholesaler, importer, registrant or an operator of a motor vehicle liable to collect or pay or considered possibly liable to collect or pay tax under this Act or, if such purchaser, retailer, wholesaler, importer, registrant or operator is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such purchaser, retailer, wholesaler, importer or registrant or in the motor vehicle of such operator to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any purchaser, retailer, wholesaler, importer, registrant, or from the owner or operator of a motor vehicle, or if any of them is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof, <sup>Idem</sup>



- (a) any information or a return as required under this Act or the regulations; or
- (b) production or production on oath of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Ministry of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place, or any motor vehicle containing fuel, for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Production  
of evidence  
to prove  
tax payable  
by another  
person

(4) The Minister may, by registered letter or by a demand that is served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is collectable or payable under this Act by any purchaser or registrant, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

Copies

(5) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(6) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing. <sup>Compliance</sup>

(7) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything that he is required by this section to do. <sup>Idem</sup>

(8) Every person who contravenes this section or who fails to provide any information or make any return requested under this section is guilty of an offence and on summary conviction is liable to a fine of \$50 for each day during which the offence continues. <sup>Offence</sup>

16b.—(1) Every person carrying fuel in a motor vehicle that is equipped to carry more than 40 gallons of fuel in a tank other than the fuel tank of the motor vehicle, and the operator of every such motor vehicle, shall, when requested by the Minister or any person authorized by the Minister, provide any or all of the following information, <sup>Information on bulk shipments of fuel</sup>

- (a) the name and address of any person from whom the fuel being carried was obtained, and the name and address of any person to whom the fuel so obtained was delivered or is to be delivered;
- (b) the quantity of fuel delivered or to be delivered to any person; or
- (c) the use or intended use, if known, to be made of any fuel delivered or to be delivered from such motor vehicle,

and where no written evidence substantiating such information is available at the time that the request is made, the person to whom the request is made shall orally supply the information and may be required to certify in writing any of such oral statements.

(2) Where the information required to be furnished by subsection 1 is not given, or where the information that is furnished is false, the motor vehicle may be detained by the Minister until the information is provided or until the true information is provided, and during any such detention, the Crown shall not be liable for any damages to the motor vehicle or to its owner or operator or otherwise that may occur or be alleged to occur by reason of the detention of the motor vehicle pending the furnishing of the information required by subsection 1 or the furnishing of accurate information as required by subsection 1. <sup>Detention of motor vehicle</sup>



s. 21,  
amended

9. Section 21 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 147, section 11 and 1975, chapter 10, section 7, is further amended by adding thereto the following subsections:

Idem

(2) The Lieutenant Governor in Council may make regulations establishing a system of registration for the purposes of this Act, and,

- (a) requiring persons who buy, sell, deal in, consume or refine any fuel, including fuel for the heating of homes and buildings, to become registrants under this Act for the purpose of accounting for, collecting or facilitating the administration of the tax imposed by this Act;
- (b) prescribing classes of registrants, the conditions and restrictions affecting any prescribed class of registrant, and the method of collecting or paying the tax imposed by this Act to be followed by any prescribed class of registrant;
- (c) prescribing the information, returns and records to be given, made or kept by any registrant or class of registrants;
- (d) requiring the registration of the operators of commercially-used motor vehicles that consume or carry fuel and that are not vehicles operated exclusively for pleasure or recreation;
- (e) exempting any person or class of persons from the application of subsection 2 of section 2.

Idem

(3) The Minister may make regulations prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

Idem

(4) A regulation, other than a regulation made under subsection 2, is, if it so provides, effective with reference to a period before it was filed.

Commence-  
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is *The Motor Vehicle Fuel Tax Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977

ASSEMBLY PROROGUED

December 14

*Roderick Lewis*

CLERK, LEGISLATIVE ASSEMBLY



An Act to amend  
The Motor Vehicle Fuel Tax Act

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 6th, 1977

*3rd Reading*

July 6th, 1977

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

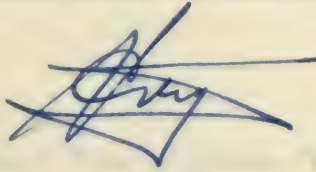
---

# **BILL 19**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Highway Traffic Act**

---

THE HON. J. W. SNOW  
Minister of Transportation and Communications

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 19

1977

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 1a of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as renumbered by the Statutes of Ontario, 1973, chapter 167, section 1, is repealed and the following substituted therefor:

s. 1 (1), par. 1a,  
re-enacted

1a. "built-up area" means the territory contiguous to a highway not within a city, town, village or police village where,

- i. not less than 50 per cent of the frontage upon one side of the highway for a distance of not less than 200 metres is occupied by dwellings, buildings used for business purposes, schools or churches, or
- ii. not less than 50 per cent of the frontage upon both sides of the highway for a distance of not less than 100 metres is occupied by dwellings, buildings used for business purposes, schools or churches, or
- iii. not more than 200 metres of the highway separates any territory described in subparagraph i or ii from any other territory described in subparagraph i or ii,

and signs are displayed as required by the regulations.

s. 1 (1), par. 15c,  
subpar. v,  
re-enacted

- (2) Subparagraph v of paragraph 15c of subsection 1 of the said section 1, as re-enacted by the Statutes of Ontario, 1975, chapter 78, section 1, is repealed and the following substituted therefor:

v. which does not have sufficient power to enable the bicycle to attain a speed greater than 50 kilometres per hour on level ground within a distance of 2 kilometres from a standing start.

s. 63a (5) (c),  
re-enacted

- 2.—(1) Clause c of subsection 5 of section 63a of the said Act, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 14, section 1, is repealed and the following substituted therefor:

(c) who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in that vehicle at a speed exceeding 40 kilometres per hour; or

s. 63a (7) (b),  
re-enacted

- (2) Clause b of subsection 7 of the said section 63a is repealed and the following substituted therefor:

(b) is actually engaged in work which requires him to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 40 kilometres per hour; or

s. 82 (1),  
amended

- 3.—(1) Subsection 1 of section 82 of the said Act is amended,

- (a) by striking out "50 miles" in the first line of clause a and inserting in lieu thereof "80 kilometres";
- (b) by striking out "30 miles" in the first line of clause b and inserting in lieu thereof "50 kilometres";
- (c) by striking out "20 miles" in clause d and inserting in lieu thereof "30 kilometres"; and
- (d) by striking out "15 miles" in the first line of clause e and inserting in lieu thereof "20 kilometres".

- (2) Subsection 2 of the said section 82 is amended by striking <sup>s. 82 (2),</sup> amended out "25 miles" in the second line and in the fifth line and inserting in lieu thereof in each instance "40 kilometres".
- (3) Subsection 3 of the said section 82 is amended by striking <sup>s. 82 (3),</sup> amended out "30 miles" in the fourth line and inserting in lieu thereof "50 kilometres".
- (4) Subsection 4 of the said section 82 is amended by striking <sup>s. 82 (4),</sup> amended out "15 miles" in the fifth line and inserting in lieu thereof "20 kilometres".
- (5) Subsection 5 of the said section 82 is amended by striking <sup>s. 82 (5),</sup> amended out "60 miles" in the fifth line and inserting in lieu thereof "100 kilometres".
- (6) Subsection 6 of the said section 82 is amended by striking <sup>s. 82 (6),</sup> amended out "50 miles" in the seventh and eighth lines and inserting in lieu thereof "80 kilometres".
- (7) Subsection 7 of the said section 82 is amended by striking <sup>s. 82 (7),</sup> amended out "35 miles per hour or more than 60 miles per hour" in the sixth line and inserting in lieu thereof "60 kilometres per hour or more than 100 kilometres per hour".
- (8) Subsection 10 of the said section 82 is amended by <sup>s. 82 (10),</sup> amended striking out "50 miles" in the second line and inserting in lieu thereof "80 kilometres".
- (9) Subsection 12 of the said section 82 is amended, <sup>s. 82 (12),</sup> amended
  - (a) by striking out "500 feet" in the third line of clause *a* and inserting in lieu thereof "150 metres";
  - and
  - (b) by striking out "25 miles" in the first line of clause *b* and inserting in lieu thereof "40 kilometres".
- (10) Subsection 16 of the said section 82 is repealed and the <sup>s. 82 (16),</sup> re-enacted following substituted therefor:

(16) Every person who contravenes any of the provisions <sup>Penalty</sup> of this section or any by-law or regulation made under this section is guilty of an offence and on summary conviction is liable, where the rate of speed at which the motor vehicle was driven,

- (a) is less than 20 kilometres per hour over the maximum speed limit, to a fine of \$1.25 for each kilometre per hour that the motor vehicle was driven over the maximum speed limit;



- (b) is 20 kilometres per hour or more but less than 40 kilometres per hour over the maximum speed limit, to a fine of \$1.75 for each kilometre that the motor vehicle was driven over the maximum speed limit;
- (c) is 40 kilometres per hour or more but less than 60 kilometres per hour over the maximum speed limit, to a fine of \$2.50 for each kilometre per hour that the motor vehicle was driven over the maximum speed limit; and
- (d) is 60 kilometres per hour or more over the maximum speed limit, to a fine of \$3.25 for each kilometre that the motor vehicle was driven over the maximum speed limit.

s. 82 (17),  
amended

- (11) Subsection 17 of the said section 82 is amended by striking out "30 or more miles" in the third and fourth lines and inserting in lieu thereof "60 or more kilometres".

s. 82a,  
enacted

4. The said Act is amended by adding thereto the following section:

Conversion  
of rate  
of speed  
set out in  
by-laws

82a. Upon the maximum permitted rate of speed in kilometres per hour being marked on the highways or portions thereof affected, the speed limits established under a by-law passed pursuant to subsection 2, 3, 4, 5, 6, 7 or 12 of section 82 that are expressed as a rate of speed in miles per hour set out in Column 1 of the Table shall be deemed to be the rate of speed in kilometres per hour set opposite thereto in Column 2 of the Table.

TABLE

COLUMN 1	COLUMN 2
Rate of Speed in Miles per Hour	Rate of Speed in Kilometres per Hour
15	20
20	30
25	40
30	50
35	60
40	60
45	70
50	80
55	90
60	100

5.—(1) Section 84 of the said Act is amended by striking out <sup>s. 84.</sup> “5 miles” in the sixth line and inserting in lieu thereof <sup>amended</sup> “10 kilometres”.

(2) The said section 84 is further amended by adding <sup>s. 84.</sup> thereto the following subsections: <sup>amended</sup>

(2) The rates of speed set out in a regulation made under subsection 1 that are expressed as a rate of speed in miles <sup>Conversion</sup> per hour set out in Column 1 of the Table shall be deemed <sup>of rates of</sup> to be the rate of speed in kilometres per hour set opposite <sup>speed</sup> thereto in Column 2 of the Table.

TABLE

COLUMN 1	COLUMN 2
Rate of Speed in Miles per Hour	Rate of Speed in Kilometres per Hour
5	10
10	20
15	20
20	30
25	40
30	50
35	60
40	60
45	70
50	80
55	90

(3) No regulation made under subsection 1 shall apply <sup>Notice to</sup> until a notice as required by subsection 1 setting out the <sup>be posted</sup> fixed limit of speed in kilometres per hour is posted. <sup>in</sup> <sup>kilometres</sup> <sup>per hour</sup>

6. Subsection 3 of section 92 of the said Act is repealed and <sup>s. 92 (3),</sup> the following substituted therefor: <sup>re-enacted</sup>

(3) When a vehicle or street car is approaching a pedestrian <sup>Passing</sup> crossover and is within 30 metres thereof, the driver of any <sup>moving</sup> other vehicle or street car approaching from the rear shall <sup>vehicles</sup> not overtake and pass such vehicle or street car. <sup>within 30</sup> <sup>metres of</sup> <sup>pedestrian</sup> <sup>crossover</sup>

7. Subsection 5 of section 94 of the said Act is amended by <sup>s. 94 (5),</sup> striking out “100 feet” in the fourth line and inserting in lieu <sup>amended</sup> thereof “30 metres”.

8. Section 95 of the said Act is repealed and the following sub- <sup>s. 95.</sup> stituted therefor: <sup>re-enacted</sup>

95. No driver or operator of a vehicle upon a highway <sup>U-turns</sup> shall turn the vehicle so as to proceed in the opposite direction <sup>prohibited</sup> when,

- (a) upon a curve where traffic approaching the vehicle from either direction cannot be seen by the driver of the vehicle within a distance of 150 metres;
- (b) on a railway crossing or within 30 metres of a railway crossing;
- (c) upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 metres; or
- (d) within 150 metres of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance.

s. 96 (17),  
amended

- 9.** Subsection 17 of section 96 of the said Act is amended by striking out "nine feet" in the eighth line and inserting in lieu thereof "2.75 metres".

s. 99,  
amended

- 10.** Section 99 of the said Act is amended,

- (a) by striking out "100 feet" in the second line of clause *a* and inserting in lieu thereof "30 metres"; and
- (b) by striking out "100 feet" in the first line of clause *b* and inserting in lieu thereof "30 metres".

s. 105 (2),  
amended

- 11.** Subsection 2 of section 105 of the said Act is amended by striking out "200 feet" in the third line and inserting in lieu thereof "60 metres".

s. 106 (2),  
re-enacted

- 12.** Subsection 2 of section 106 of the said Act is repealed and the following substituted therefor:

Following  
fire  
department  
vehicle

- (2) No driver of a vehicle shall follow a fire department vehicle when responding to an alarm at a distance of less than 150 metres.

s. 110,  
amended

- 13.** Section 110 of the said Act is amended by striking out "15 feet" in the fourth line and inserting in lieu thereof "5 metres".

s. 113 (1),  
amended

- 14.** Subsection 1 of section 113 of the said Act is amended by striking out "six feet" in the sixth line and inserting in lieu thereof "2 metres".

s. 115 (a) (b),  
re-enacted

- 15.** Clauses *a* and *b* of section 115 of the said Act are repealed and the following substituted therefor:



(a) approaching an oncoming vehicle within 150 metres;  
or

(b) following another vehicle within 60 metres, except  
when in the act of overtaking and passing.

16.—(1) Clause *b* of subsection 1 of section 116 of the said Act is <sup>s. 116 (1) (b).</sup> repealed and the following substituted therefor: <sub>re-enacted</sub>

(b) when it is not practicable to park, stand or stop  
the vehicle off the roadway unless a clear view of  
the vehicle and of the roadway for at least 125  
metres beyond the vehicle may be obtained from a  
distance of at least 125 metres from the vehicle in  
each direction upon the highway.

(2) Clause *a* of subsection 8 of the said section 116 is amended <sup>s. 116 (8) (a).</sup> by striking out "500 feet" in the third and fourth lines <sub>amended</sub>  
and inserting in lieu thereof "150 metres".

(3) Subsection 9 of the said section 116 is amended by <sup>s. 116 (9).</sup> striking out "100 feet in advance of the vehicle and one <sub>amended</sub>  
at a distance of approximately 100 feet" in the tenth  
and eleventh lines and inserting in lieu thereof "30 metres  
in advance of the vehicle and one at a distance of  
approximately 30 metres".

17. Section 119 of the said Act is amended by striking out "15 <sup>s. 119.</sup> feet" in the ninth line and inserting in lieu thereof "5 metres". <sub>amended</sub>

18. Subsection 2 of section 120*a* of the said Act, as enacted by <sup>s. 120*a* (2).</sup> the Statutes of Ontario, 1976, chapter 37, section 17, is <sub>re-enacted</sub>  
repealed and the following substituted therefor:

(2) A school crossing guard about to direct children <sup>School</sup> across a highway with a speed limit not in excess of 60 <sup>crossing</sup> kilometres per hour shall, prior to entering the roadway, <sup>guard shall</sup> display a school crossing stop sign in an upright position <sup>display</sup> so that it is visible to vehicular traffic approaching from <sup>sign</sup> each direction.

19. Subsection 1 of section 128*a* of the said Act, as enacted by <sup>s. 128*a* (1).</sup> the Statutes of Ontario, 1973, chapter 167, section 9, is <sub>re-enacted</sub>  
repealed and the following substituted therefor:

(1) The council of a municipality may by by-law prohibit <sup>Prohibiting</sup> the operation of a commercial motor vehicle other than a <sup>commercial</sup> bus in the left lane of any highway under its jurisdiction <sup>vehicles in</sup> <sub>left lane</sub>



that has three or more lanes for traffic in each direction and on which the maximum speed limit is 80 kilometres per hour or more.

Commence-  
ment

**20.** This Act comes into force on the 6th day of September, 1977.

Short title

**21.** The short title of this Act is *The Highway Traffic Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE

*July 12*

ASSEMBLY PROROGUED

*December 16*

*Roderick Lewis*  
CLERK

LEGISLATIVE ASSEMBLY

Blank header area

*[Faint signature]*

*[Faint text line]*

*[Large, illegible handwritten text]*

An Act to amend  
The Highway Traffic Act

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 6th, 1977

*3rd Reading*

July 6th, 1977

---

THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

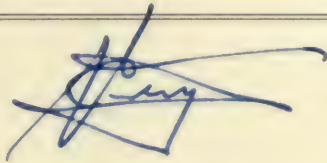
---

# **BILL 20**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Motorized Snow Vehicles Act, 1974**

---

THE HON. J. W. SNOW  
Minister of Transportation and Communications

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 20

1977

**An Act to amend  
The Motorized Snow Vehicles Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Motorized Snow Vehicles Act, 1974*, being chapter 113, is repealed and the following substituted therefor: s. 13 (1),  
re-enacted

(1) No person shall drive a motorized snow vehicle at a greater rate of speed than, Speed  
limit

(a) 20 kilometres per hour,

(i) on a highway where the speed limit established pursuant to *The Highway Traffic Act* is 50 kilometres per hour or less, or R.S.O. 1970,  
c. 202

(ii) in any public park or exhibition grounds; or

(b) 50 kilometres per hour,

(i) on any highway which is open to motor vehicle traffic, where the speed limit established pursuant to *The Highway Traffic Act* is greater than 50 kilometres per hour, or

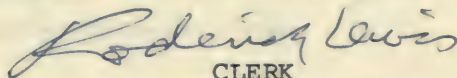
(ii) on a public trail.

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

3. The short title of this Act is *The Motorized Snow Vehicles Amendment Act, 1977*. Short title

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977

ASSEMBLY PROROGUED December 16 1977

  
CLERK

LEGISLATIVE ASSEMBLY

An Act to amend  
The Motorized Snow Vehicles  
Act, 1974

*1st Reading*

June 27th, 1977

*2nd Reading*

July 6th, 1977

*3rd Reading*

July 6th, 1977

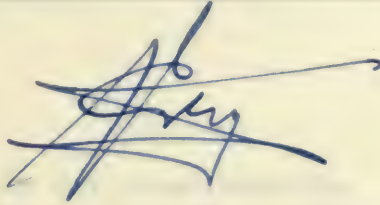
THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

# **BILL 21**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to establish the Ministry of Northern Affairs**

---

THE HON. L. BERNIER  
Minister of Northern Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 21

1977

## An Act to establish the Ministry of Northern Affairs

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Deputy Minister" means the Deputy Minister of Northern Affairs;
- (b) "Minister" means the Minister of Northern Affairs;
- (c) "Ministry" means the Ministry of Northern Affairs.

**2.** There shall be a ministry of the public service to be known as the Ministry of Northern Affairs.

Ministry  
established

**3.** The Minister shall preside over and have charge of the Ministry.

Minister to  
have charge

**4.** The Minister is responsible for the administration of this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Duties of  
Minister

**5.—(1)** The Lieutenant Governor in Council shall appoint a Deputy Minister of Northern Affairs who shall be deputy head of the Ministry.

Deputy  
Minister

(2) Such officers and employees as are required from time to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*.

Staff

R.S.O. 1970,  
c. 386

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Protection  
from  
personal  
liability

Liability  
of Crown  
R.S.O. 1970,  
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted.

Seal

**6.**—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

Delegation  
of powers  
and duties

**7.**—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation.

Officers  
authorized  
to take  
affidavits

(2) The Minister may empower such officers of the Ministry as he designates to administer oaths and take affidavits and declarations authorized by law in Northern Ontario or such part of Northern Ontario as the Minister prescribes in the designation, and each officer designated is a commissioner for taking affidavits under *The Commissioners for taking Affidavits Act*.

R.S.O. 1970,  
c. 72

Function of  
Ministry

**8.** It is the function of the Ministry to co-ordinate the activities of and initiate policies and programs for the Government in Northern Ontario, including,

- (a) preparing and recommending Government plans, policies and priorities for Northern Ontario;
- (b) establishing and administering Ministry programs and co-ordinating Government programs and services relating to Northern Ontario;
- (c) advising and participating in the planning and financing of Government programs, services and activities in Northern Ontario provided by other ministries;
- (d) improving the accessibility of the programs, services and activities of the Government of Ontario to the residents of Northern Ontario;



(e) making recommendations regarding priorities for research of social and economic conditions of all areas of Northern Ontario;

(f) administering such other programs and performing such other duties as are assigned to it by any Act or by the Lieutenant Governor in Council.

**9.** The Minister, with the approval of the Lieutenant Governor in Council, may make reciprocal arrangements and enter into agreement with,

(a) the Crown in right of Canada;

(b) the government or governments of any province or provinces of Canada; and

(c) municipalities.

**10.**—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may establish programs for the benefit of the residents of Northern Ontario.

(2) A program may determine conditions for grants and assistance and conditions under which services are provided by the Ministry and expenses allowed.

**11.** Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees.

**12.** This Act shall be deemed to have come into force on the 1st day of April, 1977.

**13.** The short title of this Act is *The Ministry of Northern Affairs Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977  
ASSEMBLY PROROGUED December 14 1977

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY







An Act to establish the  
Ministry of Northern Affairs

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 7th, 1977

*3rd Reading*

July 12th, 1977

---

THE HON. L. BERNIER  
Minister of Northern Affairs

---

*S. Lawrence*  
BILL 22

*Lawrence*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Labour Relations Act**

---

THE HON. B. STEPHENSON  
Minister of Labour

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





## An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e*, *h* and *n* of subsection 1 of section 1 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1(1)(*e*, *h*, *n*)  
re-enacted

(*e*) "collective agreement" means an agreement in writing between an employer or an employers' organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers' organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers' organization, the trade union or the employees, and includes a provincial agreement;

(*h*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization and a designated or accredited employer bargaining agency;

(*n*) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national, or international trade union, a certified council of trade unions and a designated or certified employee bargaining agency.

s. 112a(1),  
amended

2. Subsection 1 of section 112a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 76, section 30, is amended by striking out "either" in the third line and inserting in lieu thereof "a".

ss. 125-136,  
enacted

3. The said Act is amended by adding thereto the following sections:

#### PROVINCE-WIDE BARGAINING

Interpre-  
tation

125. In this section and in sections 126 to 136,

- (a) "affiliated bargaining agent" means a bargaining agent that, according to established trade union practice in the construction industry, represents employees who commonly bargain separately and apart from other employees and is subordinate or directly related to, or is, a provincial, national or international trade union, and includes an employee bargaining agency;
- (b) "bargaining", except when used in reference to an affiliated bargaining agent, means province-wide multi-employer, bargaining in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106;
- (c) "employee bargaining agency" means an organization of affiliated bargaining agents that are subordinate or directly related to the same provincial, national or international trade union, and that may include the parent or related provincial, national or international trade union, formed for purposes that include the representation of affiliated bargaining agents in bargaining and which may be a single provincial, national or international trade union;
- (d) "employer bargaining agency" means an employers organization or group of employers' organizations formed for purposes that include the representation of employers in bargaining;
- (e) "provincial agreement" means an agreement in writing covering the whole of the Province of Ontario between a designated or accredited em



ployer bargaining agency that represents employers, on the one hand, and a designated or certified employee bargaining agency that represents affiliated bargaining agents, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer bargaining agency, the employers represented by the employer bargaining agency and for whose employees the affiliated bargaining agents hold bargaining rights, the affiliated bargaining agents represented by the employee bargaining agency, or the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106.

126. Where there is conflict between any provision in sections 127 to 136 and any provision in sections 5 to 49 and 54 to 124, the provisions in sections 127 to 136 prevail. Conflict

127.—(1) The Minister may, upon such terms and conditions as the Minister considers appropriate, Designation  
by Minister

- (a) designate employee bargaining agencies to represent in bargaining provincial units of affiliated bargaining agents, and describe those provincial units;
- (b) notwithstanding an accreditation of an employers' organization as the bargaining agent of employers, designate employer bargaining agencies to represent in bargaining provincial units of employers for whose employees affiliated bargaining agents hold bargaining rights, and describe those provincial units.

(2) Where affiliated bargaining agents that are subordinate or directly related to different provincial, national or international trade unions bargain as a council of trade unions with a single employer bargaining agency for a province-wide collective agreement, the Minister may exclude such bargaining relationships from the designations made under subsection 1, and subsection 2 of section 133 shall not apply to such exclusion. Exclusion  
of certain  
bargaining  
relationships

(3) Where a designation is not made by the Minister of an employee bargaining agency or an employer bargaining agency under subsection 1 within sixty days after this section comes into force, the Minister may convene a conference of trade unions, councils of trade unions, employers and employers' Minister  
may convene  
conference



organizations, as the case may be, for the purpose of obtaining recommendations with respect to the making of a designation.

Reference of  
question

(4) The Minister may refer to the Board any question that arises concerning a designation, or any terms or conditions therein, and the Board shall report to the Minister its decision on the question.

Minister  
may alter,  
etc.,  
designation

(5) Subject to sections 128 and 129, the Minister may alter, revoke or amend any designation from time to time and may make another designation.

R.S.O. 1970,  
c. 410 does  
not apply

(6) *The Regulations Act* does not apply to a designation made under subsection 1.

Application  
to Board  
by employee  
bargaining  
agency

128.—(1) During the period between the one hundred and twentieth and the one hundred and eightieth days prior to the termination of a provincial agreement, an employee bargaining agency, whether designated or not, may apply to the Board to be certified to represent in bargaining a provincial unit of affiliated bargaining agents.

Certification  
by Board

(2) Where the Board is satisfied that a majority of the affiliated bargaining agents falling within the provincial unit is represented by the employee bargaining agency and that such majority of affiliated bargaining agents holds bargaining rights for a majority of employees that would be bound by a provincial agreement, the Board shall certify the employee bargaining agency.

Application  
to Board  
by employer  
bargaining  
agency

129.—(1) During the period between the one hundred and twentieth and the one hundred and eightieth days prior to the termination of a provincial agreement, an employer bargaining agency, whether designated or not, may apply to the Board to be accredited to represent in bargaining a provincial unit of employers for whose employees affiliated bargaining agents hold bargaining rights.

Accreditation  
by Board

(2) Where the Board is satisfied that a majority of employers falling within the provincial unit is represented by the employer bargaining agency and that such majority of employers employ a majority of the employees for whom the affiliated bargaining agents hold bargaining rights, the Board shall accredit the employer bargaining agency.

Vesting of  
rights,  
duties and  
obligations

130. Where an employee bargaining agency has been designated under section 127 or certified under section 128 to represent a provincial unit of affiliated bargaining agents, all rights, duties and obligations under this Act of the affiliated bargaining agents for which it bargains shall vest in the

employee bargaining agency, but only for the purpose of conducting bargaining and, subject to the ratification procedures of the employee bargaining agency, concluding a provincial agreement.

131. Where an employer bargaining agency has been <sup>Idem</sup> designated under section 127 or accredited under section 129 to represent a provincial unit of employers,

- (a) all rights, duties and obligations under this Act of employers for which it bargains shall vest in the employer bargaining agency, but only for the purpose of conducting bargaining and concluding a provincial agreement; and
- (b) an accreditation heretofore made under section 115 of an employers' organization as bargaining agent of the employers in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 represented or to be represented by the employer bargaining agency is null and void from the time of such designation under section 127 or accreditation under section 129.

132.—(1) Subject to subsection 2, any collective agree- <sup>Termination of collective agreement</sup> ment in operation upon the coming into force of this section in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 and represented by affiliated bargaining agents, is enforceable by and binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision respecting its renewal.

(2) Notwithstanding subsection 1 of section 44, every <sup>Idem</sup> collective agreement in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 and represented by affiliated bargaining agents entered into after the 1st day of January, 1977 and before the 30th day of April, 1978 shall be deemed to expire not later than the 30th day of April, 1978, regardless of any provision respecting its term of operation or its renewal.

(3) Where any collective agreement mentioned in sub- <sup>Provincial agreement binding</sup> section 1 ceases to operate, the affiliated bargaining agent, the employer and the employees for whom the affiliated bargaining agent holds bargaining rights shall be bound by the provincial agreement made between an employee bargaining agency representing the affiliated bargaining agent



and the employer bargaining agency representing the employer.

Idem

(4) After the 30th day of April, 1978, where an affiliated bargaining agent obtains bargaining rights through certification or voluntary recognition in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106, the employer, the affiliated bargaining agent, and the employees for whom the affiliated bargaining agent has obtained bargaining rights are bound by the provincial agreement made between an employee bargaining agency representing the affiliated bargaining agent and an employer bargaining agency representing a provincial unit of employers in which the employer would have been included.

When provincial agreement ceases to operate

(5) Notwithstanding subsection 1 of section 44, where, under the provisions of this section, an employer, affiliated bargaining agent or employees become bound by a provincial agreement after the agreement has commenced to operate, the agreement ceases to be binding on the employer, affiliated agent or employees in accordance with the terms thereof.

Agency shall make only one agreement

133.—(1) An employee bargaining agency and an employer bargaining agency shall make only one provincial agreement for each provincial unit that it represents.

No agreement other than provincial agreement

(2) On and after the 30th day of April, 1978 and subject to sections 127 and 132, no person, employee, trade union, council of trade unions, affiliated bargaining agent, employee bargaining agency, employer, employers' organization, group of employers' organizations or employer bargaining agency shall bargain for, attempt to bargain for, or conclude any collective agreement or other arrangement affecting employees represented by affiliated bargaining agents other than a provincial agreement as contemplated by subsection 1, and any collective agreement or other arrangement that does not comply with subsection 1 is null and void.

Expiry of provincial agreement

(3) Every provincial agreement shall provide for the expiry of the agreement on the 30th day of April calculated biennially from the 30th day of April, 1978.

Non-application of s. 43

134.—(1) Section 43 does not apply to a designated or accredited employer bargaining agency or a designated or certified employee bargaining agency.

Provincial agreement binding

(2) A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining

agency, the employers represented by the employer bargaining agency but only in respect of those employees for whom the affiliated bargaining agents hold bargaining rights and who are employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in such sector, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.

(3) Any employee bargaining agency, affiliated bargaining agent, employer bargaining agency and employer bound by a provincial agreement shall be considered to be a party for the purposes of section 112a. <sup>Parties</sup>

135. The Board shall, upon the application of a trade union, a council of trade unions, or an employer or employers' organization, determine any question that arises as to whether work performed or to be performed by employees is within the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106. <sup>Power of Board</sup>

136.—(1) A designated or certified employee bargaining agency shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of the affiliated bargaining agents in the provincial unit of affiliated bargaining agents for which it bargains, whether members of the designated or certified employee bargaining agency or not and in the representation of employees, whether members of an affiliated bargaining agent or not. <sup>Bargaining agency not to act in bad faith, etc.</sup>

(2) A designated or accredited employer bargaining agency shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the provincial unit of employers for which it bargains, whether members of the designated or accredited employer bargaining agency or not. <sup>Idem</sup>

4. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

5. The short title of this Act is *The Labour Relations Amendment Act, 1977*. <sup>Short title</sup>

ASSENTED TO BY LIEUTENANT-GOVERNOR Oct 27 1977

ASSEMBLY PROROGUED December 16 1977

*Rosemary Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY







An Act to amend  
The Labour Relations Act

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 11th, 1977

*3rd Reading*

October 25th, 1977

---

THE HON. B. STEPHENSON  
Minister of Labour

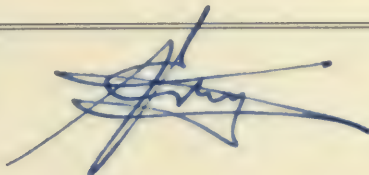
---

# **BILL 23**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to provide for the Transfer of Services relating to Children**

---

THE HON. K. C. NORTON  
Minister of Community and Social Services

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 23

1977

## An Act to provide for the Transfer of Services relating to Children

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The administration of *The Children's Mental Health Centres Act* is assigned and transferred to the Minister of Community and Social Services and a reference in that Act and the regulations thereunder to the Minister or to the Director shall be deemed to be a reference to the Minister of Community and Social Services or to the Director of the Children's Mental Health Services Branch of the Children's Services Division of the Ministry of Community and Social Services, as the case may be.

Reference  
to  
Minister  
R.S.O. 1970,  
c. 68

(2) The administration of *The Children's Mental Hospitals Act* is assigned and transferred to the Minister of Community and Social Services and a reference in that Act and the regulations thereunder to the Minister or the Deputy Minister shall be deemed to be a reference to the Minister of Community and Social Services or the Associate Deputy Minister of Community and Social Services, as the case may be.

Idem  
R.S.O. 1970,  
c. 69

(3) The administration of *The Training Schools Act* is assigned and transferred to the Minister of Community and Social Services and a reference in that Act and the regulations thereunder to the Minister, the Deputy Minister or the Ministry shall be deemed to be a reference to the Minister of Community and Social Services, the Associate Deputy Minister of Community and Social Services or the Ministry of Community and Social Services, as the case may be.

Idem  
R.S.O. 1970,  
c. 467

(4) The administration of sections 21 to 23 and clause g of subsection 1 of section 28 of *The Provincial Courts Act* is assigned and transferred to the Minister of Community

Idem  
R.S.O. 1970,  
c. 369

and Social Services and a reference in those sections to the Minister shall be deemed to be a reference to the Minister of Community and Social Services.

Idem

R.S.O. 1970,  
cc. 69, 270

(5) For the purposes of any designation under section 7 of *The Children's Mental Hospitals Act*, a reference in *The Mental Hospitals Act* to Minister or Deputy Minister shall be deemed to be a reference to the Minister of Community and Social Services or the Associate Deputy Minister of Community and Social Services, as the case may be.

Idem

1976, c. 85

(6) The administration of subsection 1 of section 17 of *The Unified Family Court Act, 1976* is assigned and transferred to the Minister of Community and Social Services.

Commence-  
ment

2. This Act comes into force on the 1st day of July, 1977.

Short title

3. The short title of this Act is *The Children's Services Transfer Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE

*July 14*

ASSEMBLY PROROGUED

*December 16*

*Roderick Lewis*

CLERK

LEGISLATIVE ASSEMBLY









An Act to provide for the Transfer of  
Services relating to Children

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 11th, 1977

*3rd Reading*

July 11th, 1977

---

THE HON. K. C. NORTON  
Minister of Community and Social  
Services

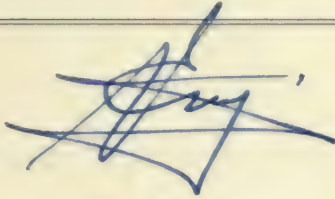
---

# **BILL 24**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Personal Property Security Act**

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



\_\_\_\_\_



\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BILL 24

1977

## An Act to amend The Personal Property Security Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 44 of *The Personal Property Security Act*, being chapter 344 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 102, section 8, is repealed and the following substituted therefor:

(1) Upon the request of any person for a search of the individual debtor index, business debtor index or motor vehicle serial number index and upon payment of the prescribed fee, the registrar shall,

- (a) issue a certificate stating whether there is registered at the time mentioned in the certificate a financing statement or financing change statement the registration of which is still effective in which the person named or the motor vehicle serial number shown in the certificate is shown in the designated place on the financing statement or financing change statement as a debtor or as a serial number, as the case may be, and, if there is, the registration number of it and any other related information recorded in the central file of the registration system; or
- (b) furnish a certified copy of a registered financing statement or a registered financing change statement.

- (2) Subsection 3 of the said section 44 is amended by striking out "c" in the first line and inserting in lieu thereof "b".

Commence-  
ment

2. This Act shall be deemed to have come into force on the 1st day of April, 1977.

Short title

3. The short title of this Act is *The Personal Property Security Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE

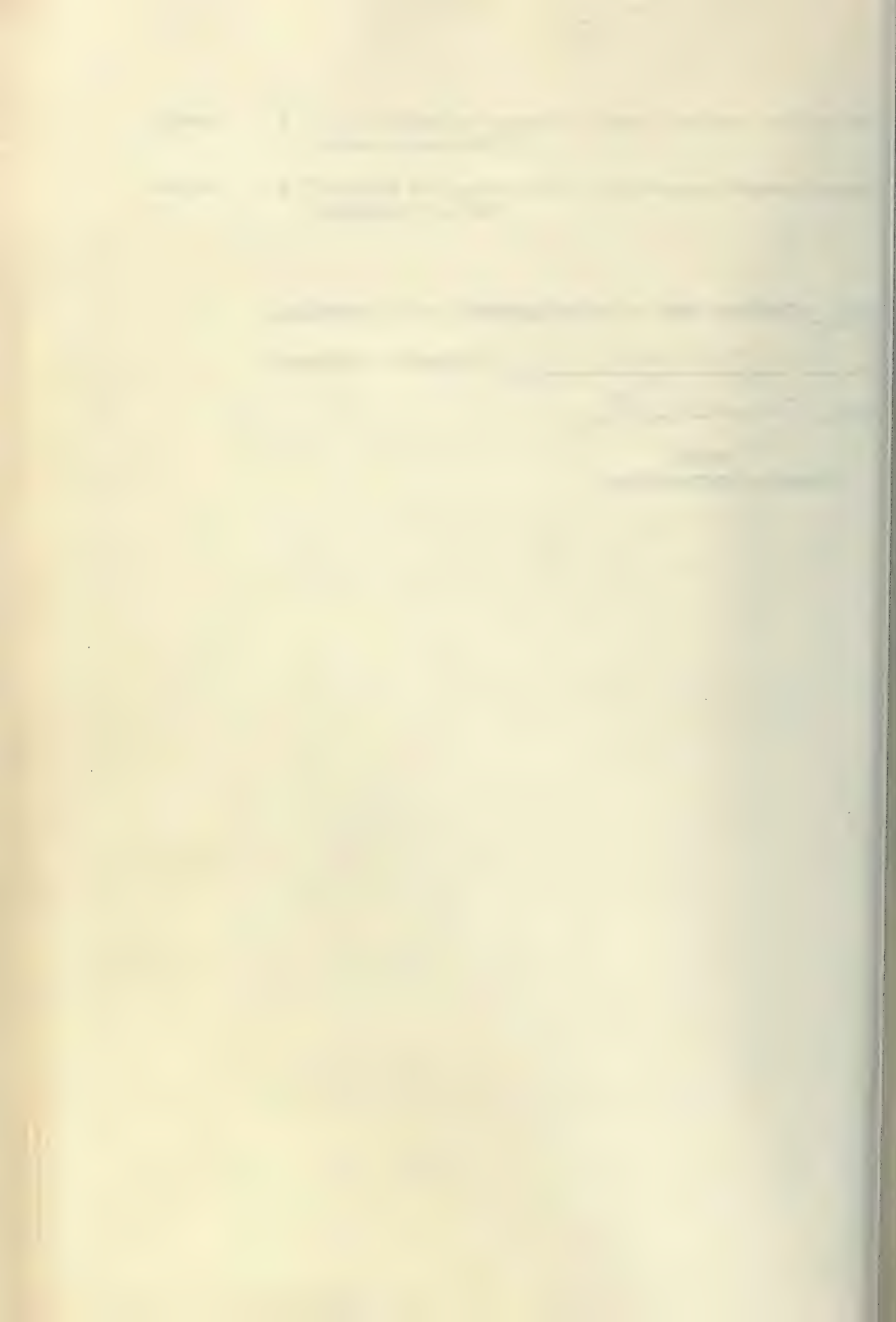
ASSEMBLY PROROGUED

*July 1*  
*December 16*  
*Roderick Law*

CLERK  
LEGISLATIVE ASSEMBLY









An Act to amend  
The Personal Property Security Act

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 4th, 1977

*3rd Reading*

July 4th, 1977

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

---

*Pauline G. G. G. G.*

**BILL 25**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting Ryerson Polytechnical Institute**

---

THE HON. H. C. PARROTT  
Minister of Colleges and Universities

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



احمد علی خان

1917

THE UNIVERSITY OF THE PUNJAB  
LIBRARY

RECEIVED

THE UNIVERSITY OF THE PUNJAB  
LIBRARY

THE UNIVERSITY OF THE PUNJAB  
LIBRARY

BILL 25

1977

## An Act respecting Ryerson Polytechnical Institute

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

1.—(1) In this Act,

Interpre-  
tation

- (a) "Academic Council" means the Academic Council of Ryerson Polytechnical Institute;
- (b) "administrative staff" means the full-time employees of the Board who are not members of the teaching faculty;
- (c) "alumni" means the persons who have received degrees, diplomas or certificates from the Institute and are no longer registered as students;
- (d) "Board" means The Board of Governors of Ryerson Polytechnical Institute;
- (e) "Institute" means Ryerson Polytechnical Institute;
- (f) "Minister" means the Minister of Colleges and Universities;
- (g) "President" means the President of Ryerson Polytechnical Institute;
- (h) "property" means real and personal property;
- (i) "student" means a person who is registered as such in a program or course of study at the Institute that leads to a degree, diploma or certificate of the Institute;

(j) "teaching faculty" means the full-time employees of the Board whose prime duty is the performance of the teaching function of the Institute, including those holding the offices of Dean, Chairman or Assistant Chairman of a department, and Academic Director;

(k) "year" means the membership year of the Board or the Academic Council, as the case may be, and shall be any twelve-month period established by the Board or the Academic Council, respectively, from time to time. 1962-63, c. 128, s. 1; 1971, c. 65, s. 1, *amended*.

Conflict  
R.S.O. 1970,  
c. 89

(2) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails. *New*.

#### GENERAL

Institute  
continued

2. Ryerson Polytechnical Institute is continued, subject to the provisions of this Act. 1962-63, c. 128, s. 2, *amended*.

Objects

3. The objects and purposes of the Institute are to provide,

(a) programs and courses of study in any branch of arts, applied arts, business, community services and technology; and

(b) programs and courses of study sponsored jointly with the Government of Ontario or any ministry or board, agency or commission thereof, with the Government of Canada or any department or board, agency or commission thereof, with industry or commerce, or with other educational institutions. 1962-63, c. 128, s. 3, *amended*.

#### BOARD OF GOVERNORS

Corporation  
continued

4.—(1) The Board of Governors of Ryerson Polytechnical Institute is continued as a body corporate and shall be composed of,

(a) the President, who shall be an *ex officio* member;

(b) nine members, none of whom is a student or an employee of the Board, appointed by the Lieutenant Governor in Council for a term of three years;

- (c) three members, none of whom is an employee of the Board, elected by the alumni from among themselves for a term of three years;
- (d) three members elected by the teaching faculty from among themselves for a term of two years;
- (e) two members elected by the administrative staff from among themselves for a term of two years;
- (f) three members elected by the students from among themselves for a term of one year; and
- (g) two members, none of whom is a student or an employee of the Board, appointed by the Lieutenant Governor in Council for a term of three years and thereafter by the Board for a term of three years. 1962-63, c. 128, s. 4 (1-3); 1971, c. 65, s. 2, *amended*.

(2) The Board shall by by-law determine the manner and procedure of election of its members and shall conduct such elections and determine any dispute as to eligibility to hold office or to vote, and such elections shall be by secret ballot. Manner of election

(3) No person shall serve as a member of the Board unless he is a Canadian citizen. *New.* Canadian citizenship

(4) Subject to subsection 5, a member of the Board is eligible for reappointment or re-election, as the case may be, except that no member shall serve for more than two consecutive terms, but on the expiration of one year after having served the second of two consecutive terms, such person may again be eligible for membership on the Board. 1962-63, c. 128, s. 4 (4), *amended*. Eligibility for reappointment or re-election

(5) The limit of two consecutive terms referred to in subsection 4 does not include, Idem

- (a) service on the Board prior to the day this section comes into force;
- (b) service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection 8; or
- (c) service on the Board for a term reduced under subsection 1 or 2 of section 17. *New.*



Membership  
vacated

(6) A member of the Board ceases to hold office where he ceases to be eligible pursuant to,

(a) subsection 3; or

(b) clauses *b* to *g* of subsection 1 under which he was appointed or elected, as the case may be, except that a student member who graduates during his term of office may serve for the remainder of such term. 1962-63, c. 128, s. 4 (5), *amended*.

Absence  
from  
meetings

(7) Where, within any year, a member of the Board, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of such body, the Board may by resolution declare his membership vacant. 1962-63, c. 128, s. 4 (6), *amended*.

Filling  
vacancies

(8) Where a vacancy on the Board occurs before the term of office for which a person was appointed or elected has expired,

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Board in its sole discretion shall determine if the vacancy is to be filled and, if so and notwithstanding any other provision of this Act, the manner and procedure for so doing,

and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant. 1962-63, c. 128, s. 4 (8), *amended*.

Quorum

(9) A quorum of the Board shall consist of ten members or such greater number as the Board by by-law may determine, and at least one-half of the quorum shall consist of members of the Board appointed or elected under clauses *b*, *c* and *g* of subsection 1. 1962-63, c. 128, s. 4 (10), *amended*.

Chairman  
and  
Vice-  
Chairman

(10) The Board shall elect a Chairman and a Vice-Chairman from among the members appointed or elected under clauses *b*, *c* and *g* of subsection 1 and in the event of the absence or inability to act of the Chairman or of there being a vacancy in that office, the Vice-Chairman shall act as and have all the powers of the Chairman. 1962-63, c. 128, s. 4 (11), *amended*.

(11) In the absence or inability to act of the Chairman and Vice-Chairman, the Board may appoint one of its members appointed or elected under clauses *b*, *c* and *g* of subsection 1 to act as Chairman for the time being and the member so appointed shall act as and have all the powers of the Chairman. 1962-63, c. 128, s. 4 (12, 13), *amended*. Absence

(12) The term of office of the Chairman and of the Vice-Chairman shall be as determined by the Board. *New*. Term  
of  
office

5.—(1) The Board may establish committees and appoint persons thereto and, subject to subsection 5, confer upon any such committee authority to act for the Board with respect to any matter or class of matters. 1962-63, c. 128, s. 5 (1), *amended*. Committees

(2) A majority of the members of a committee shall be members of the Board. 1962-63, c. 128, s. 5 (2). Majority  
to be  
board  
members

(3) The President shall be an *ex officio* member of every committee established under subsection 1 unless excluded therefrom by a by-law or a resolution of the Board. 1971, c. 65, s. 3, *amended*. President  
*ex officio*  
member

(4) The President, if not excluded under subsection 3 as a member of a committee, may nominate an officer of the Board to represent him on a committee established under subsection 1, and such nominee shall act in the place and stead of the President on such committee. *New*. Nominee

(5) No decision of a committee that includes in its membership persons who are not members of the Board is effective until approved and ratified by the Board. 1962-63, c. 128, s. 5 (4). Decision  
of  
committee

(6) For the purposes of subsections 2 and 5, an officer of the Board nominated by the President under subsection 4 to represent him on a committee shall be deemed to be a member of the Board. *New*. Nominee  
deemed  
member  
of the  
Board

6.—(1) The government, conduct, management and control of the Institute and of its property, revenues, expenditures, business and affairs, except with respect to such matters as are assigned by this Act to the Academic Council, are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Institute including, without limiting the generality of the foregoing, the power, Powers of  
the Board

- (a) to enact by-laws for the conduct of its affairs;
- (b) to appoint the President and define his duties and responsibilities;
- (c) to appoint, classify, promote, suspend, transfer, reclassify or remove the members of the teaching faculty and administrative staff and such other employees as it considers necessary or advisable for the proper conduct of the affairs of the Institute, but no member of the teaching faculty or administrative staff except the President shall be appointed, classified, promoted, suspended, transferred, reclassified or removed unless recommended by the President or such other officer or employee of the Board delegated under subsection 4;
- (d) to fix the number, duties and salaries and other remuneration of the officers and employees of the Board;
- (e) to delegate such of its powers under clauses *c* and *d* as it considers proper to the President or other officer or employee of the Board as may be recommended by the President;
- (f) to provide for the retirement and superannuation of persons referred to in clauses *b* and *c*;
- (g) to provide for payments by way of gratuities, retirement allowances, sick leave allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to any representative of or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise;
- (h) to expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance, or health insurance, for the benefit of the persons mentioned in clauses *b* and *c*;
- (i) to expend such sums as the Board considers necessary for the support and maintenance of the Institute and for the betterment of existing buildings and the erection of such new buildings as the



Board may consider necessary for the use and purposes of the Institute and for the furnishings and equipment of such existing and newly-erected buildings;

- (j) to expend such sums as the Board considers necessary for the erection, equipment, furnishings and maintenance of residences and dining halls for the use of the students;
- (k) to acquire, hold and maintain such real property as the Board considers necessary for the use of the students of the Institute for athletic purposes and to erect and maintain such buildings and structures thereon as it considers necessary;
- (l) to provide such health services, health examinations and physical training for the students of the Institute as the Board considers necessary;
- (m) to appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (n) to borrow money for its purposes upon its credit, and to give such security against the assets of the Institute by way of mortgage, debenture or otherwise, as it determines;
- (o) to invest all money that comes into its hands that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund;
- (p) after consultation with the Minister,
  - (i) to co-operate with other educational institutions on such terms and for such periods of time as the Board may determine,
  - (ii) to establish, change and terminate such degree, diploma or certificate programs as



the Academic Council recommends and the Board considers appropriate; and

- (g) to establish and collect fees and charges for tuition and for services of any kind offered by the Institute and collect fees and charges on behalf of any entity, organization or element of the Institute. 1962-63, c. 128, s. 7; 1971, c. 65, s. 4, *amended*.

Recommendations  
by  
President  
as to staff

- (2) The President shall make recommendations to the Board as to the appointment, classification, promotion, suspension, transfer, reclassification and removal of the members of the teaching faculty and administrative staff.

Recommendation

- (3) The President may recommend an officer or employee of the Board for the purpose of a delegation by the Board under clause *e* of subsection 1 of certain of its powers.

Delegation  
by  
President

- (4) The President, subject to the approval of the Board, may delegate his duties under subsection 2 to any other officer or employee of the Board. *New*.

Audit of  
accounts  
R.S.O. 1970,  
c. 373

7. The Board shall appoint one or more public accountants licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board at least annually. 1962-63, c. 128, s. 8, *amended*.

Annual  
report  
to  
Minister

- 8.—(1) The Board shall make a financial report annually to the Minister in such form and containing such information as the Minister may require. 1962-63, c. 128, s. 9 (1), *amended*.

Tabling

- (2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1962-63, c. 128, s. 9 (2).

Annual  
public  
report

- (3) The Board shall make available to the public an annual report including an annual financial report in such form and manner as the Board may determine. *New*.

#### ACADEMIC COUNCIL

Academic  
Council

- 9.—(1) There shall be an Academic Council of the Institute composed of,

- (a) the President, the Vice-Presidents and the Deans, who shall be *ex officio* members; and

(b) such other members, not exceeding fifty in number, composed of persons elected by secret ballot,

(i) by the teaching faculty from among themselves,

(ii) by the students from among themselves, and

(iii) by the alumni from among themselves.

(2) The Academic Council shall by by-law determine, By-laws

(a) the number of members to be elected to the Academic Council by the teaching faculty, the students and the alumni, respectively;

(b) constituencies for each of the groups referred to in clause *b* of subsection 1 and assign persons or classes of persons thereto;

(c) the term of office of one, two or three years, as the case may be, for the members elected by each of the groups referred to in clause *b* of subsection 1; and

(d) the procedures to be followed in the election of members of the Academic Council.

(3) The Academic Council shall conduct the election of Elections its members and shall determine any dispute as to the eligibility of a candidate at such election or of a person to vote thereat.

(4) Where for any reason a by-law of the Academic Term of office Council has not been enacted under clause *c* of subsection 2, the term of office of an elected member of the Academic Council is one year.

(5) Subject to subsection 6, a member of the Academic Eligibility for re-election Council is eligible for re-election except that no member shall serve for more than two consecutive terms, but on the expiration of one year after having served the second of two consecutive terms, such person may again be eligible for membership on the Academic Council.

(6) The limit of two consecutive terms referred to in Idem subsection 5 does not include,

(a) service on the Academic Council for the balance of an unexpired term for a person who becomes a

member of the Academic Council under subsection 8; or

- (b) service on the Academic Council for a term of office established by the Board under subsection 3 of section 17.

Membership  
vacated

(7) An elected member of the Academic Council ceases to hold office where he ceases to be eligible pursuant to clause *b* of subsection 1 under which he was elected, except that a student member who graduates during his term of office may serve for the remainder of the current year.

Filling  
vacancy

(8) Where a vacancy occurs for any reason among the elected members of the Academic Council before the term for which a person was elected has expired, the Academic Council in its sole discretion shall determine whether the vacancy is to be filled and, if so and notwithstanding any other provision of this Act, the manner and procedure for so doing, and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

Chairman  
and Vice-  
Chairman

(9) The President shall be the Chairman of the Academic Council and a Vice-Chairman shall be elected from among its members in such manner as the Academic Council may determine. *New.*

Powers of  
Academic  
Council

**10.** The Academic Council has, subject to the approval of the Board with respect to the expenditure of funds, the power to establish the educational policy of the Institute and without limiting the generality of the foregoing has the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to enact by-laws for the purposes of subsection 2 of section 9 in order to conduct the election of its members;
- (c) to make recommendations to the Board with respect to the establishment, change or termination of programs and courses of study, schools, divisions and departments;
- (d) to determine the curricula of all programs and courses of study, the standards of admission to the Institute and continued registration therein, and the qualifications for degrees, diplomas and certificates of the Institute;



- (e) to conduct examinations, appoint examiners and decide all matters relating thereto;
- (f) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement;
- (g) to award diplomas and certificates;
- (h) to grant bachelor of applied arts, bachelor of technology and bachelor of business management degrees; and
- (i) to create councils and committees to exercise its powers. *New.*

#### BOARD OF GOVERNORS AND ACADEMIC COUNCIL

**11.**—(1) Subject to subsections 2 and 3, a meeting of the Board or of the Academic Council shall be open to the public and prior notice of the meeting shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board and the Academic Council by by-law shall respectively determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be. Meetings open to public

(2) Where matters confidential to the Institute are to be considered, the part of the meeting concerning such matters may be held *in camera*. Proviso

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that that part of the meeting be open to the public. *New.* Idem

**12.** Every student is eligible for election to the Board or the Academic Council whether or not he has attained the age of eighteen years. *New.* Age of student members

**13.**—(1) The by-laws of the Board and of the Academic Council shall be open to examination by the public during normal business hours. Examination of by-laws

(2) The Board and the Academic Council shall publish their by-laws from time to time in such manner as they may, respectively, consider proper. *New.* Publication of by-laws



## PROPERTY

Property  
vested in  
Board

**14.** All property heretofore or hereafter, by statute or otherwise, granted, conveyed, devised or bequeathed to the Board, the Institute or to any person in trust for or for the benefit of the Board, the Institute or any of its divisions or departments, subject to any trust affecting the property, is vested in the Board. 1962-63, c. 128, s. 6; 1966, c. 139, s. 1, *amended*.

Power to  
deal with  
property

**15.** The Board has power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof. 1962-63, c. 128, s. 7 (m), *amended*.

Expropria-  
tion  
R.S.O. 1970,  
c. 154

**16.**—(1) Subject to the provisions of *The Expropriations Act*, the Board may, without the consent of the owner or any person interested therein, other than a municipality or a district, regional or metropolitan municipality, enter upon, take, use and expropriate all such land as defined in section 1 of *The Expropriations Act* as it considers necessary for the purposes of the Institute. 1962-63, c. 128, s. 7 (n), *amended*.

Land  
vested in  
Board not  
liable to  
expropria-  
tion

(2) Real property vested in the Board and used by the Institute for its purposes shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. *New*.

## MISCELLANEOUS

Election  
of Board

**17.**—(1) For the purpose of the election of members to the Board who are to take office on the 1st day of July, 1978, the Board in office when this section comes into force shall, notwithstanding any other provision of this Act, conduct the election and may determine that one or more of the members so elected shall serve for a period of less than three years.

(2) Notwithstanding clauses *b* and *g* of subsection 1 of section 4, the Lieutenant Governor in Council may determine that one or more of the members appointed by it to the Board to take office on the 1st day of July, 1978, shall serve for a period of less than three years. Term of office

(3) For the purpose of the first election of members to the Academic Council who are to take office on the 1st day of July, 1978, the Board in office when this section comes into force shall determine, notwithstanding any other provision of this Act, the composition and the number, not exceeding fifty, of the members to be elected and shall determine the term or terms of office of one, two or three years of such members and the method of their election and shall conduct such elections. First election of Academic Council

(4) The Board in office when this section comes into force is hereby authorized and empowered to arrange for and call the first meeting of the Board and of the Academic Council, respectively, to be held on or after the 1st day of July, 1978, and the members of the said Board and Academic Council shall be given reasonable notice of such meetings. First meeting of Board and Academic Council  
*New.*

18. The following are repealed:

Repeals

1. *The Ryerson Polytechnical Institute Act, 1962-63*, being chapter 128.
2. *The Ryerson Polytechnical Institute Amendment Act, 1966*, being chapter 139.
3. *The Ryerson Polytechnical Institute Amendment Act, 1971*, being chapter 65.

19.—(1) This Act, except sections 1 to 16 and 18, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1 to 16 and 18 come into force on the 1st day of July, 1978. Idem

20. The short title of this Act is *The Ryerson Polytechnical Institute Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 1977*

ASSEMBLY PROROGUED

*December 16 1977*

*Robert Lewis*  
 CLERK  
 LEGISLATIVE ASSEMBLY

An Act respecting  
Ryerson Polytechnical Institute

---

*1st Reading*

June 27th, 1977

*2nd Reading*

November 8th, 1977

*3rd Reading*

November 8th, 1977

---

THE HON. H. C. PARROTT  
Minister of Colleges and  
Universities

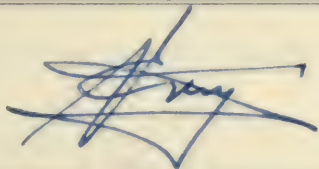
---

# **BILL 26**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Legislative Assembly Act**

---

THE HON. R. WELCH  
Minister of Culture and Recreation

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 26

1977

## An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is repealed. <sup>s. 16, repealed</sup>
- 2.—(1) Subsection 1 of section 65 of the said Act, as re-enacted <sup>s. 65 (1), amended</sup> by the Statutes of Ontario, 1973, chapter 151, section 7, is amended by striking out "an allowance of 15 cents for every mile of such transportation" in the fifth and sixth lines and inserting in lieu thereof "an allowance for every mile of such transportation in such amount as may be determined from time to time by the Board of Internal Economy".
- (2) Clause *e* of subsection 6 of the said section 65, as <sup>s. 65 (6) (e), re-enacted</sup> re-enacted by the Statutes of Ontario, 1976, chapter 60, section 1, is repealed and the following substituted therefor:
 

(e) by private automobile shall be an allowance for every mile of such transportation in such amount as may be determined from time to time by the Board of Internal Economy.
- (3) Subsection 7 of the said section 65, as amended by <sup>s. 65 (7), amended</sup> the Statutes of Ontario, 1976, chapter 60, section 1, is further amended by striking out "\$3,900 in any year" in the fourteenth line and in the amendment of 1976 and inserting in lieu thereof "such amount in any year as may be determined from time to time by the Board of Internal Economy".
3. Clause *a* of subsection 1 of section 66 of the said Act is amended <sup>s. 66 (1) (a), amended</sup> by striking out "an allowance of 10 cents for every mile travelled by private automobile" in the third and fourth lines

and inserting in lieu thereof "an allowance in such amount as may be determined from time to time by the Board of Internal Economy for every mile travelled by private automobile".

Form 1,  
repealed

4. Form 1 of the said Act is repealed.

Commence-  
ment

5. This Act shall be deemed to have come into force on the 1st day of April, 1977.

Short title

6. The short title of this Act is *The Legislative Assembly Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE

*July*

ASSEMBLY PROROGUED

*December 16*

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY









The Legislative Assembly Act

---

*1st Reading*

June 27th, 1977

*2nd Reading*

July 6th, 1977

*3rd Reading*

July 6th, 1977

---

THE HON. R. WELCH

Minister of Culture and Recreation

---

*S. Pauline P. G. S. H.*  
BILL 34

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Public Vehicles Act**

---

THE HON. J. W. SNOW  
Minister of Transportation and Communications

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





## An Act to amend The Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Public Vehicles Act*, being chapter 392 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 74, is further amended by adding thereto the following clause:

(aa) “car pool vehicle” means a motor vehicle as defined in *The Highway Traffic Act*,

s.1,  
amended  
R.S.O. 1970,  
c. 202

- (i) with a seating capacity of not more than twelve persons,
- (ii) while it is operated transporting no more than twelve commuters including the driver, none of whom pay for the transportation more frequently than on a weekly basis,
- (iii) that is not used by any one driver to transport commuters for more than one round trip per day, and
- (iv) the owner, or if the vehicle is subject to a lease, the lessee, of which does not own or lease another car pool vehicle unless he is the employer of a majority of the commuters transported in the vehicles,

but does not include a motor vehicle while being operated by or under contract with a school board or other authority in charge of a school for the transportation of children to or from school.

- (2) Clause *g* of the said section 1 is amended by inserting after “taxicabs” in the seventh line “car pool vehicles”.

s.1(g),  
amended

s. 1 (i),  
amended

- (3) Clause *i* of the said section 1 is amended by inserting after "Act" in the second line "other than a car pool vehicle".

Commence-  
ment

2. This Act comes into force on the day it receives Royal Assent

Short title

3. The short title of this Act is *The Public Vehicles Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Oct 27 1977

ASSEMBLY PROROGUED

December 16 1977

*Roderick Lauder*

CLERK  
LEGISLATIVE ASSEMBLY









An Act to amend  
The Public Vehicles Act

---

*1st Reading*

July 5th, 1977

*2nd Reading*

October 25th, 1977

*3rd Reading*

October 25th, 1977

---

THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

---

*S*  
BILL 35 *amending the Airport Act*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Airports Act**

---

THE HON. J. W. SNOW  
Minister of Transportation and Communications

---



4347

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

BILL 35

1977

## An Act to amend The Airports Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Airports Act*, being chapter 17 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (a),  
re-enacted

(a) "Minister" means the Minister of Transportation and Communications.

2. Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (1),  
re-enacted

(1) The Crown in right of Ontario, represented by the Minister, may enter into agreements with the Government of Canada, any municipality, corporation or individual, or any one or more of them, with respect to any matter in relation to the acquisition, establishment, extension, improvement, construction, operation or maintenance of airports to serve any one or more areas in Ontario, and the Minister, with the approval of the Lieutenant Governor in Council, may provide funds to the municipality, corporation or individual for such purposes. Authoriza-  
tion for  
agreements  
and  
provision  
of funds

3. Section 3 of the said Act is repealed. s. 3,  
repealed

4. Section 4 of the said Act is repealed and the following substituted therefor: s. 4,  
re-enacted

4.—(1) The Minister may acquire, establish, construct, operate and maintain airports and landing grounds to serve any one or more areas in Ontario. Power of  
Minister to  
establish  
airports

(2) The Minister may set apart any part of an airport or landing ground which is under his jurisdiction and control, or any building, premises or structure thereon, or any part Leasing of  
airport  
facilities

thereof, for a limited use and may lease the same at such rental and upon such terms and conditions as he considers proper.

Idem

(3) A lease under subsection 2 for a term of twenty-one years or longer is subject to the approval of the Lieutenant Governor in Council.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is *The Airports Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Oct 27 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Law*  
CLERK  
LEGISLATIVE ASSEMBLY









An Act to amend  
The Airports Act

---

*1st Reading*

July 5th, 1977

*2nd Reading*

October 25th, 1977

*3rd Reading*

October 25th, 1977

---

THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

---

*Bill 36 introduced by G. G. S. H.*  
BILL 36

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend certain Acts respecting  
Regional Municipalities**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 36

1977

## An Act to amend certain Acts respecting Regional Municipalities

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. *The Regional Municipality of Ottawa-Carleton Act*, being <sup>s. 7b. enacted</sup> chapter 407 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

7b. Notwithstanding section 4, the Lieutenant Governor <sup>Order of L. G. in C.</sup> in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under section 7a.

2. Subsection 1 of section 25 of the said Act is repealed and the <sup>s. 25 (1), re-enacted</sup> following substituted therefor:

(1) The Regional Council shall by by-law appoint one or <sup>Appointment of auditors</sup> more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

3. Subsection 5a of section 95 of the said Act, as enacted by the <sup>s. 95 (5a), re-enacted</sup> Statutes of Ontario, 1973, chapter 138, section 14, is repealed and the following substituted therefor:

(5a) The signature of the chairman or any other person <sup>Idem</sup> authorized to sign promissory notes may be written, stamped,

lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 99 (1, 2),  
re-enacted

4.—(1) Subsections 1 and 2 of section 99 of the said Act are repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 99,  
amended

(2) The said section 99 is amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.



5. Section 100*b* of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 46, section 5, is renumbered as section 124*a*. s. 100*b*,  
renumbered

6.—(1) Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 6, is repealed and the following substituted therefor: s. 124 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 248*a*, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24 and 41 of section 352 and section 391 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application  
of  
R.S.O. 1970,  
c. 284

(2) The said section 124, as amended by the Statutes of Ontario, 1973, chapter 138, section 19 and 1976, chapter 70, section 6, is further amended by adding thereto the following subsection: s. 124,  
amended

(5*a*) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*. Application  
of  
R.S.O. 1970,  
c. 280, s. 13

## PART II

### THE REGIONAL MUNICIPALITY OF NIAGARA

7. Subsection 1 of section 25 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 25 (1),  
re-enacted

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. Appointment  
of auditors

8. Section 130 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 51, section 11, is further amended by adding thereto the following subsection: s. 130,  
amended

(5*a*) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such Idem



promissory note is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 134 (1),  
re-enacted

- 9.—(1) Subsection 1 of section 134 of the said Act is repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.

s. 134 (2),  
re-enacted

- (2) Subsection 2 of the said section 134, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 12, is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 134,  
amended

- (3) The said section 134, as amended by the Statutes of Ontario, 1972, chapter 51, section 12, is further amended by adding thereto the following subsection:

Signature of  
chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 10.—(1) Subsection 1 of section 154 of the said Act, as re-enacted <sup>s. 154 (1),  
re-enacted</sup> by the Statutes of Ontario, 1976, chapter 70, section 11, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections <sup>Application  
of</sup> 242a, 248a, 249 and 254, subsection 3 of section 308, and <sup>R.S.O. 1970,  
c. 284</sup> sections 333 and 348, paragraphs 3, 10, 11, 12, 24 and 41 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

- (2) The said section 154, as amended by the Statutes of <sup>s. 154,  
amended</sup> Ontario, 1971, chapter 77, section 8 and 1976, chapter 70, section 11, is further amended by adding thereto the following subsection:

(7a) The Regional Corporation shall be deemed to be a <sup>Application  
of</sup> municipal corporation for the purposes of section 13 of *The* <sup>R.S.O. 1970,  
c. 280, s. 13</sup> *Mortmain and Charitable Uses Act*.

### PART III

#### THE REGIONAL MUNICIPALITY OF YORK

11. Section 3 of *The Regional Municipality of York Act*, being <sup>s. 3,  
amended</sup> chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2 and 1976, chapter 43, section 27, is further amended by adding thereto the following subsection:

(3c) Notwithstanding section 7, the Lieutenant Governor <sup>Order of  
L. G. in C.</sup> in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection 3a.

12. Subsection 1 of section 25 of the said Act is repealed and the <sup>s. 25 (1),  
re-enacted</sup> following substituted therefor:

(1) The Regional Council shall by by-law appoint one or <sup>Appointment  
of auditors</sup> more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

13. Subsection 5a of section 125 of the said Act, as enacted by <sup>s. 125 (5a),  
re-enacted</sup> the Statutes of Ontario, 1973, chapter 156, section 6, is repealed and the following substituted therefor:



Idem

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 129 (1),  
re-enacted

**14.—**(1) Subsection 1 of section 129 of the said Act is repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.

s. 129 (2),  
re-enacted

(2) Subsection 2 of the said section 129, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 16, is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 129,  
amended

(3) The said section 129, as amended by the Statutes of Ontario, 1972, chapter 78, section 16, is further amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan

agreement is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 15.—(1) Subsection 1 of section 149 of the said Act, as re-enacted by <sup>s. 149 (1), re-enacted</sup> the Statutes of Ontario, 1976, chapter 70, section 18, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections <sup>Application of</sup> 242a, 246, 248a, 249 and 254, subsection 3 of section 308, <sup>R.S.O. 1970, c. 284</sup> sections 333 and 348 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

- (2) The said section 149, as amended by the Statutes of <sup>s. 149, amended</sup> Ontario, 1971, chapter 75, section 7, 1972, chapter 78, section 19 and 1976, chapter 70, section 18, is further amended by adding thereto the following subsection:

(7a) The Regional Corporation shall be deemed to be a <sup>Application of</sup> municipal corporation for the purposes of section 13 of *The* <sup>R.S.O. 1970, c. 280, s. 13</sup> *Mortmain and Charitable Uses Act*.

## PART IV

### THE REGIONAL MUNICIPALITY OF WATERLOO

16. Section 2 of *The Regional Municipality of Waterloo Act, 1972*, <sup>s. 2, amended</sup> being chapter 105, is amended by adding thereto the following subsections:

- (1a) That portion of the City of Kitchener described as <sup>Portion of Kitchener annexed to Waterloo</sup> follows is annexed to the City of Waterloo:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Kitchener, Regional Municipality of Waterloo (formerly the County of Waterloo) and Province of Ontario and being composed of:

FIRSTLY, 1' Reserve 'A', Part of 1' Reserve 'B', and Part of Silvercrest Drive, Registered Plan 877 in the said City of Kitchener designated as Parts 1, 2 and 3 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (58) as Plan 58R-1986;



SECONDLY, that Part of Lot 33, German Company Tract in the said City of Kitchener, designated as Part 4 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (58) as Plan 58R-1986.

Annexation  
deemed by  
Municipal  
Board  
order

(1b) Subsection 3 applies with necessary modifications to the annexation provided for in subsection 1a.

s. 3,  
amended

- 17.** Section 3 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 43, section 38, is further amended by adding thereto the following subsection:

Order of  
L. G. in C.

(3b) Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection 3a.

s. 26 (1),  
re-enacted

- 18.** Subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

Appointment  
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

s. 133 (5a),  
re-enacted

- 19.** Subsection 5a of section 133 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 137, section 7, is repealed and the following substituted therefor:

Idem

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to counter-sign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 137 (1, 2),  
re-enacted

- 20.**—(1) Subsections 1 and 2 of section 137 of the said Act are repealed and the following substituted therefor:

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing  
pending  
issue and  
sale of  
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

(2) The said section 137 is amended by adding thereto the following subsection:

s. 137,  
amended

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

21.—(1) Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 24, is repealed and the following substituted therefor:

s. 158 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application  
of  
R.S.O. 1970,  
c. 284

(2) The said section 158, as amended by the Statutes of Ontario, 1973, chapter 137, section 9, 1974, chapter 5,

s. 158,  
amended



section 2 and 1976, chapter 70, section 24, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

## PART V

### THE REGIONAL MUNICIPALITY OF SUDBURY

s. 3.  
amended

- 22.** Section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the Statutes of Ontario, 1972, chapter 167, section 1, 1974, chapter 54, section 1, 1975, chapter 46, section 12 and 1976, chapter 43, section 50, is further amended by adding thereto the following subsection:

Order of  
L. G. in C.

(3b) Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection 3a.

s. 26 (1),  
re-enacted

- 23.** Subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

Appointment  
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

s. 91 (5a),  
re-enacted

- 24.** Subsection 5a of section 91 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 139, section 10, is repealed and the following substituted therefor:

Idem

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 25.—**(1) Subsections 1 and 2 of section 94 of the said Act are repealed and the following substituted therefor: s. 94 (1, 2),  
re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing  
pending  
issue and  
sale of  
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. Idem

- (2) The said section 94 is amended by adding thereto the following subsection: s. 94,  
amended

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

- 26.—**(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 30, is repealed and the following substituted therefor: s. 115 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application  
of  
R.S.O. 1970,  
c. 284



s. 115,  
amended

- (2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, 1974, chapter 117, section 31 and 1976, chapter 70, section 30, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

- (7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

## PART VI

### THE REGIONAL MUNICIPALITY OF PEEL

s. 3,  
amended

- 27.** Section 3 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, as amended by the Statutes of Ontario, 1976, chapter 43, section 61, is further amended by adding thereto the following subsection:

Order of  
L. G. in C.

- (3b) Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection 3a.

s. 26 (1),  
re-enacted

- 28.** Subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

Appointment  
of auditors

- (1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

s. 91,  
re-enacted

- 29.** Section 91 of the said Act is repealed and the following substituted therefor:

Current  
borrowings

- 91.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any

debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge



Execution of  
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty  
for excess  
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty  
for mis-  
application  
of revenues  
by Regional  
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty  
for mis-  
application  
of revenues  
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving  
as to  
penalties

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1970,  
c. 118

s. 95 (1, 2),  
re-enacted

**30.—**(1) Subsections 1 and 2 of section 95 of the said Act are repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality

shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

- (2) The said section 95 is amended by adding thereto the following subsection: <sup>s. 95, amended</sup>

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. <sup>Signature of chairman, etc., may be mechanically reproduced</sup>

- 31.—**(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 36, is repealed and the following substituted therefor: <sup>s. 115 (1), re-enacted</sup>

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. <sup>Application of R.S.O. 1970, c. 284</sup>

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 3, 1974, chapter 117, section 37, and 1976, chapter 70, section 36, is further amended by adding thereto the following subsection: <sup>s. 115, amended</sup>

(6a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*. <sup>Application of R.S.O. 1970, c. 280, s. 13</sup>

## PART VII

### THE REGIONAL MUNICIPALITY OF HALTON

- 32.** Section 3 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, as amended by the Statutes of Ontario, 1973, <sup>s. 3, amended</sup>



chapter 162, section 2 and 1976, chapter 43, section 73, is further amended by adding thereto the following subsection:

Order of  
L. G. in C.

(3b) Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection 3a.

s. 26 (1),  
re-enacted

**33.** Subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

Appointment  
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

s. 91,  
re-enacted

**34.** Section 91 of the said Act is repealed and the following substituted therefor:

Current  
borrowings

91.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
or preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalty for excess borrowings

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by Regional Council



Penalty  
for mis-  
application  
of revenues  
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving  
as to  
penalties

R.S.O. 1970,  
c. 118

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

s. 95 (1, 2),  
re-enacted

**35.**—(1) Subsections 1 and 2 of section 95 of the said Act are repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 95,  
amended

(2) The said section 95 is amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such

loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 36.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted <sup>s. 115 (1),  
re-enacted</sup> by the Statutes of Ontario, 1976, chapter 70, section 42, is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, <sup>Application  
of  
R.S.O. 1970,  
c. 284</sup> subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

- (2) The said section 115, as amended by the Statutes of <sup>s. 115,  
amended</sup> Ontario, 1974, chapter 5, section 4, 1974, chapter 117, section 42 and 1976, chapter 70, section 42, is further amended by adding thereto the following subsection:

(6a) The Regional Corporation shall be deemed to be a <sup>Application  
of  
R.S.O. 1970,  
c. 280, s. 13</sup> municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

- 37.** Section 138 of the said Act, as amended by the Statutes of <sup>s. 138,  
amended</sup> Ontario, 1973, chapter 162, section 10, is further amended by adding thereto the following subsection:

(3) The Halton County Museum Association is deemed to <sup>County  
Museum  
Association  
deemed  
dissolved</sup> have been dissolved on the 1st day of January, 1974 and all the assets and liabilities thereof vested in the Regional Corporation.

## PART VIII

### THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

- 38.** Section 3 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, as amended by the Statutes of Ontario, 1976, chapter 43, section 84, is further amended by adding thereto the following subsection:

(3c) Notwithstanding section 8, the Lieutenant Governor <sup>Order of  
L. G. in C.</sup> in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection 3a.



s. 26 (1),  
re-enacted

**39.** Subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

Appointment  
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

s. 91,  
re-enacted

**40.** Section 91 of the said Act is repealed and the following substituted therefor:

Current  
borrowings

91.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of  
promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon

such money as may be borrowed thereon from the time when such money is actually lent.

(6) The signature of the chairman or any other person <sup>Idem</sup> authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

(7) The Regional Council may by by-law provide or <sup>Creation of charge</sup> authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(8) Any agreement entered into under subsection 7 shall <sup>Execution of agreements</sup> be sealed with the corporate seal and signed by the chairman and treasurer.

(9) If the Regional Council authorizes the borrowing of or <sup>Penalty for excess borrowings</sup> borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

(10) If the Regional Council authorizes the application <sup>Penalty for mis-application of revenues by Regional Council</sup> of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) If any member of the Regional Council or officer of <sup>Penalty for mis-application of revenues by officials</sup> the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(12) Subsections 9, 10 and 11 do not apply to the <sup>Saving as to penalties</sup> Regional Council or any member of the Regional Council or



R.S.O. 1970,  
c. 118

officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

s. 95 (1, 2),  
re-enacted

**41.—**(1) Subsections 1 and 2 of section 95 of the said Act are repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 95,  
amended

(2) The said section 95 is amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 115 (1),  
re-enacted

**42.—**(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 48, is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 5, 1974, chapter 117, section 47, 1976, chapter 70, section 48 and 1976, chapter 84, section 2, is further amended by adding thereto the following subsection: s. 115, amended

(6a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*. Application of R.S.O. 1970, c. 280, s. 13

## PART IX

### THE REGIONAL MUNICIPALITY OF DURHAM

43. Section 3 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as amended by the Statutes of Ontario, 1976, chapter 43, section 96, is further amended by adding thereto the following subsection: s. 3, amended

(3b) Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection 3a. Order of L. G. in C.

44. Subsection 1 of section 26 of the said Act is repealed and the following substituted therefor: s. 26 (1), re-enacted

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. Appointment of auditors

45. Section 99 of the said Act is repealed and the following substituted therefor: s. 99, re-enacted



Current  
borrowings

99.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of  
promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation  
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agree-

ment that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalty for excess borrowings

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by Regional Council

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by officials

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties R.S.O. 1970, c. 118

**46.—**(1) Subsections 1 and 2 of section 103 of the said Act are repealed and the following substituted therefor: s. 103 (1, 2), re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of Borrowing pending issue and sale of debentures



such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 103,  
amended

(2) The said section 103 is amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 123 (1),  
re-enacted

47.—(1) Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 55, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250 and 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 123,  
amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, 1974, chapter 5, section 6, 1974, chapter 117, section 52 and 1976, chapter 70, section 55, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(6a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

## PART X

## THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

48. Section 3 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as amended by the Statutes of Ontario, 1976, chapter 43, section 107, is further amended by adding thereto the following subsection: s. 3.  
amended

(3b) Notwithstanding section 8, the Lieutenant Governor in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection 3a. Order of  
L. G. in C.

49. Subsection 1 of section 26 of the said Act is repealed and the following substituted therefor: s. 26 (1),  
re-enacted

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. Appointment  
of auditors

50. Section 95 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 95,  
re-enacted

95.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. Current  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon  
borrowings



Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of  
promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation  
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of  
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty  
for excess  
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty  
for mis-  
application  
of revenues  
by Regional  
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly

vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

Saving as to penalties R.S.O. 1970, c. 118

51.—(1) Subsections 1 and 2 of section 99 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, are repealed and the following substituted therefor:

s. 99 (1, 2), re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

(2) The said section 99 is amended by adding thereto the following subsection:

s. 99, amended



Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 119 (1),  
re-enacted

**52.**—(1) Subsection 1 of section 119 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4 and re-enacted by 1976, chapter 70, section 61, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 119,  
amended

(2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 117, section 57 and 1976, chapter 70, section 61, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

#### MISCELLANEOUS

Commence-  
ment

**53.** This Act comes into force on the day it receives Royal Assent.

Short title

**54.** The short title of this Act is *The Regional Municipalities Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Oct 27 1977

ASSEMBLY PROROGUED December 16 1977

*R. Stein*  
CLERK  
LEGISLATIVE ASSEMBLY





12

The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.

13

In the second part of the paper, the author discusses the problem of the structure of the nucleus. It is shown that the structure of the nucleus is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.

14

The third part of the paper is devoted to a discussion of the problem of the structure of the molecule. It is shown that the structure of the molecule is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.

15

In the fourth part of the paper, the author discusses the problem of the structure of the crystal. It is shown that the structure of the crystal is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.

16

The fifth part of the paper is devoted to a discussion of the problem of the structure of the liquid. It is shown that the structure of the liquid is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.

17

In the sixth part of the paper, the author discusses the problem of the structure of the gas. It is shown that the structure of the gas is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.

18

The seventh part of the paper is devoted to a discussion of the problem of the structure of the plasma. It is shown that the structure of the plasma is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.

19

In the eighth part of the paper, the author discusses the problem of the structure of the solid. It is shown that the structure of the solid is determined by the laws of quantum mechanics, which are based on the principle of the conservation of energy and the principle of the conservation of momentum.



An Act to amend certain Acts respecting  
Regional Municipalities

---

*1st Reading*

July 5th, 1977

*2nd Reading*

October 18th, 1977

*3rd Reading*

October 18th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*2*  
BILL 37 *amending* *Leg. Bill*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend  
The District Municipality of Muskoka Act**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 37

1977

## An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 24 (1),  
re-enacted

(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.

Appointment  
of auditors

2. Subsection 5a of section 106 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 146, section 4, is repealed and the following substituted therefor:

s. 106 (5a),  
re-enacted

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Idem

- 3.—(1) Subsection 1 of section 110 of the said Act is repealed and the following substituted therefor:

s. 110 (1),  
re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council pending the

Borrowing  
pending  
issue and  
sale of  
debentures

issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

s. 110(2),  
re-enacted

- (2) Subsection 2 of the said section 110, as re-enacted by the Statutes of Ontario, 1972, chapter 52, section 9, is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council or the council of the area municipality pending the issue and sale of the debentures may, and the District Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the District Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 110,  
amended

- (3) The said section 110, as amended by the Statutes of Ontario, 1972, chapter 52, section 9, is further amended by adding thereto the following subsection:

Signature  
of chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 130(1),  
re-enacted

- 4.—(1) Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 71, section 6, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

- (2) The said section 130, as amended by the Statutes of <sup>s. 130, amended</sup> Ontario, 1971, chapter 76, section 2 and 1976, chapter 71, section 6, is further amended by adding thereto the following subsection:

(5a) The District Corporation shall be deemed to be a <sup>Application of</sup> municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*. <sup>R.S.O. 1970, c. 280, s. 13</sup>

5. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
6. The short title of this Act is *The District Municipality of Muskoka Amendment Act, 1977*. <sup>Short title</sup>

ASSENTED TO BY LIEUTENANT-GOVERNOR Oct 27 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Lewis*

CLERK  
LEGISLATIVE ASSEMBLY







An Act to amend  
The District Municipality of  
Muskoka Act

---

*1st Reading*

July 5th, 1977

*2nd Reading*

October 18th, 1977

*3rd Reading*

October 18th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*S*  
BILL 38 *1. sub. in G. L. S. H.*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend  
The County of Oxford Act, 1974**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



1918

...

...

...

...

BILL 38

1977

**An Act to amend  
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The County of Oxford Act, 1974*, being chapter 57, <sup>s. 3, amended</sup> as amended by the Statutes of Ontario, 1976, chapter 73, section 1, is further amended by adding thereto the following subsection:

(4b) Notwithstanding section 8, the Lieutenant Governor <sup>Order of L. G. in C.</sup> in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the County Council as is considered advisable following an order of the Municipal Board under subsection 4a.

2. Subsection 1 of section 26 of the said Act is repealed and the <sup>s. 26 (1), re-enacted</sup> following substituted therefor:

(1) The County Council shall by by-law appoint one or <sup>Appointment of auditors</sup> more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the County Council and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

3. Section 90 of the said Act is repealed and the following sub- <sup>s. 90, re-enacted</sup> stituted therefor:

90.—(1) The County Council may by by-law, either before <sup>Current borrowings</sup> or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the warden and treasurer to borrow from time to time by way of promissory note such sums as the County Council considers necessary to meet, until the levies and other revenues

are received, the current expenditures of the County for the year, including the amounts required for principal and interest falling due within the year upon any debt of the County and the sums required by law to be provided by the County Council for any local board of the County.

Limit upon  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the County as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of previous  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the County as set forth in the estimates adopted for the next preceding year.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of  
promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the County and signed by the warden or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the warden or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation  
of charge

(7) The County Council may by by-law provide or authorize the warden and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the County for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject



to any prior charge then subsisting in favour of any other lender.

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the warden and treasurer. Execution of agreements

(9) If the County Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalties for excess borrowings

(10) If the County Council authorizes the application of any revenues of the County charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by County Council

(11) If any member of the County Council or officer of the County knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by officials

(12) Subsections 9, 10 and 11 do not apply to the County Council or any member of the County Council or officer of the County acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the County is made with the consent of the lender in whose favour a charge exists. Saving as to penalties R.S.O. 1970, c. 118

4.—(1) Subsections 1 and 2 of section 94 of the said Act are repealed and the following substituted therefor: s. 94 (1, 2), re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County Idem



for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 94,  
amended

(2) The said section 94 is amended by adding thereto the following subsection:

Signature  
of warden,  
etc., may be  
mechanically  
reproduced

(6) The signature of the warden or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 114(1),  
re-enacted

5.—(1) Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 73, section 11, is repealed and the following substituted therefor:

Application  
of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, 308 and 333 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County.

s. 114,  
amended

(2) The said section 114, as amended by the Statutes of Ontario, 1974, chapter 118, section 3 and 1976, chapter 73, section 11, is further amended by adding thereto the following subsection:

Application  
of  
R.S.O. 1970,  
c. 280, s. 13

(3a) The County shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is *The County of Oxford Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Oct 27 1977

ASSEMBLY PROROGUED

December 16 1977  
*Robert G. Cairns*

CLERK



An Act to amend  
The County of Oxford Act, 1974

---

*1st Reading*

July 5th, 1977

*2nd Reading*

October 18th, 1977

*3rd Reading*

October 18th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*Bill 39*  
BILL 39

*introduced by P. L. S. H.*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 39

1977

## An Act to amend The Municipality of Metropolitan Toronto Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 54, section 1, is repealed and the following substituted therefor:

s. 22 (1).  
re-enacted

(1) The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation, except The Metropolitan Toronto School Board.

Appointment  
of auditors

- 2.—(1) Subsection 1 of section 217 of the said Act is repealed and the following substituted therefor:

s. 217 (1).  
re-enacted

(1) The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation and the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation.

Current  
borrowings

s. 217 (6a),  
re-enacted

- (2) Subsection 6a of the said section 217, as enacted by the Statutes of Ontario, 1973, chapter 171, section 6, is repealed and the following substituted therefor:

Idem

(6a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 222 (1, 2),  
re-enacted

- 3.—(1) Subsections 1 and 2 of section 222 of the said Act are repealed and the following substituted therefor:

Borrowing  
pending  
issue and  
sale of  
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality or board of education.

s. 222,  
amended

- (2) The said section 222 is amended by adding thereto the following subsection:

Signature of  
chairman,  
etc., may be  
mechanically  
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy



treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 4.—(1) Subsection 1 of section 241 of the said Act, as re-enacted <sup>s. 241 (1), re-enacted</sup> by the Statutes of Ontario, 1976, chapter 72, section 7, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections <sup>Application of</sup> 242a, 248a and 249, subsection 3 of section 308, and paragraphs 3, 10, 11, 12, 24, 29, 41 and 42 of section 352 of <sup>R.S.O. 1970, c. 284</sup> *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

- (2) The said section 241, as amended by the Statutes of <sup>s. 241, amended</sup> Ontario, 1976, chapter 72, section 7, is further amended by adding thereto the following subsection:

(9) The Metropolitan Corporation shall be deemed to be a <sup>Application of</sup> municipal corporation for the purposes of section 13 of <sup>R.S.O. 1970, c. 280, s. 13</sup> *The Mortmain and Charitable Uses Act*.

5. Section 242a of the said Act, as enacted by the Statutes of <sup>s. 242a, re-enacted</sup> Ontario, 1971, chapter 7, section 3, is repealed and the following substituted therefor:

242a. The Metropolitan Council may expend in any year <sup>Expenses for entertaining guests and for travelling on civic business</sup> such sum as it may determine for the purposes set out in section 394 of *The Municipal Act*.

6. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
7. The short title of this Act is *The Municipality of Metropolitan* <sup>Short title</sup> *Toronto Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Oct 27, 1977

ASSEMBLY PROROGUED December 16, 1977

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY







An Act to amend  
The Municipality of Metropolitan  
Toronto Act

---

*1st Reading*

July 5th, 1977

*2nd Reading*

October 18th, 1977

*3rd Reading*

October 18th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*Pauline Lp. L. L. L.*  
BILL 40

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Municipal Act**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---





BILL 40

1977

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 11, is amended by striking out "or" at the end of clause *g*, by adding "or" at the end of clause *h* and by adding thereto the following clause:

(i) he dies, whether prior or subsequent to accepting office and making the prescribed declarations.

2. The said Act is amended by adding thereto the following section:

47.—(1) In the event that the council of any municipality or a local board thereof is unable, for a period of two months, to hold a meeting of the council or of the local board because of failure to obtain a quorum, the Minister may by order declare the seats of the members of the council or local board to be vacant and a new election shall be held in accordance with the provisions of *The Municipal Elections Act, 1977*.

(2) In the event that the seats of a majority of the members of a council or of a local board are for any reason declared vacant, the Minister may by order provide for the fulfilling of the duties and obligations of the council or local board until such time as a new election is held in accordance with *The Municipal Elections Act, 1977*, and the members so elected have taken office.

3. Section 198 of the said Act is repealed and the following substituted therefor:

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or

s. 38.  
amended

s. 47.  
enacted

Minister  
may declare  
seats vacant

1977, c. ...

Interim  
adminis-  
tration

s. 198.  
re-enacted

Prohibition  
as to member  
voting to  
appoint  
himself to  
office, etc.

fixing or providing his remuneration for any service to the corporation, but this does not apply to annual allowances to members of council or to allowances for attendance at meetings to be fixed by by-law pursuant to clauses *a* and *b* of subsection 1 of section 388.

s. 245,  
re-enacted

4. Section 245 of the said Act is repealed and the following substituted therefor:

Fiscal year

245.—(1) Subject to subsection 2 but notwithstanding any other provision in this Act or any general or special Act, the fiscal year of every municipality and local board, as defined in *The Municipal Affairs Act*, is the calendar year from the 1st day of January to the 31st day of December and the accounts referred to in section 231 are those of the next preceding fiscal year.

R.S.O. 1970,  
c. 118

Fiscal  
year for  
municipal  
public  
hospitals  
R.S.O. 1970,  
c. 378

(2) The fiscal year of every public hospital owned by the corporation of a municipality shall be the fiscal year of a public hospital as prescribed under *The Public Hospitals Act*.

Annual  
statement  
or report

(3) Notwithstanding the provisions of this or any general or special Act where an estimate of expenditures, revenue or capital or an annual statement or report, including a report of an auditor, in respect of a public hospital mentioned in subsection 2 is required to be prepared by the provisions of any special Act, such estimate, statement or report shall be prepared in respect of the fiscal year as prescribed under *The Public Hospitals Act* and not in respect of the calendar year and the date upon or prior to which such an estimate shall be prepared and certified for the consideration of a board of control or a council of a municipality shall be the 1st day of March in each year, or such other date as the council may by by-law provide, and the date upon or prior to which such annual report or statement shall be prepared and submitted to a board of control or a council of a municipality shall be the 15th day of May or such other date as the council may by by-law provide.

R.S.O. 1970,  
c. 378

Application  
of s. 307 (1)

(4) Notwithstanding the provisions of this or any general or special Act, where the council of a municipality has considered the estimates of a public hospital referred to in subsection 3 and has determined the sum to be levied by it for the purposes of such hospital for the fiscal year of the hospital, that sum shall be deemed to be the sum required by law to be provided by the council for the hospital for purposes of subsection 1 of section 307.

s. 293 (3) (e).  
repealed

- 5.—(1) Clause *e* of subsection 3 of section 293 of the said Act is repealed.



- (2) Subsection 3 of the said section 293, as amended by the <sup>s. 293 (3),  
amended</sup> Statutes of Ontario, 1972, chapter 124, section 5, 1973, chapter 83, section 3 and 1976, chapter 69, section 4, is further amended by adding thereto the following clauses:

(n) pursuant to section 16 of *The Housing Development Act* respecting the acquisition of land for housing purposes; or

(o) by the council of a local municipality for providing money for the paving or repaving of highways and the construction, reconstruction or reflooring of bridges, under the jurisdiction of the council of the municipality or under the joint jurisdiction of the council of the municipality and the council of another municipality.

6. Subsection 1 of section 354 of the said Act is amended by <sup>s. 354 (1),  
amended</sup> adding thereto the following paragraph:

26a. For adopting and participating in an emergency fire service plan and program established by the fire co-ordinator <sup>Emergency  
fire service  
plan</sup> of a regional, district or metropolitan municipality, or by a county or district fire co-ordinator, upon such terms and conditions as the council considers appropriate, provided that notwithstanding the provisions of any such plan and program, no liability accrues to a municipality for failing to supply the use of fire fighting equipment in accordance with the plan and program.

7. Section 388 of the said Act is repealed and the following <sup>s. 388,  
re-enacted</sup> substituted therefor:

388.—(1) The council of a municipality may pass by-laws, <sup>Remunera-  
tion of  
councillors</sup>

(a) for paying the members of council for attendance at meetings of council or of its committees such *per diem* rate as the council may determine;

(b) for paying the members of council such *per diem* rate as council may determine for attendance, when such attendance is authorized by resolution of council, at meetings or at any place, whether held or located within or outside the boundaries of the municipality, other than meetings of any body in respect of which the members of council are paid remuneration pursuant to clause a or pursuant to any other provision of this Act or any other general or special Act.



1. A by-law passed pursuant to this clause may define a class or classes of meetings or attendances at a place in respect of which a *per diem* rate may be paid and may authorize payment of a *per diem* rate only in respect of such class or classes of meetings or attendances.
2. For the purpose of this clause, "attendance at meetings" includes attendance by a member of council at any place to meet with one or more other persons for the purpose of pursuing any matter in the interests of the municipality and "attendance at any place" means attendance by a member of council at a place for the purpose of pursuing any matter in the interests of the municipality whether or not any other person is present at such place.

Where  
member  
receives  
salary

(2) Where a member of a council is paid remuneration under section 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings or at a place, referred to in clause *a* or *b* of subsection 1.

Mileage  
allowance

(3) In the case of a council of a county or a township, a by-law passed pursuant to clause *a* or *b* of subsection 1 may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings or at such place.

Fees to  
head of  
council on  
public  
utility  
commission

(4) The head of the council of a municipality may be paid for his services as a member of any public utility commission the same *per diem* rate as is determined by the council under clause *a* of subsection 1.

s. 455,  
re-enacted

8. Section 455 of the said Act is repealed and the following substituted therefor:

Purchasing  
or renting  
machinery

455.—(1) Subject to subsection 2, the council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

Purchase of  
road-making  
machinery

(2) Where a by-law is passed by the council of a municipality under subsection 1 for the purchase of road-making

machinery or appliances, the by-law may provide for the borrowing of money for the purpose of paying the purchase price for any period not exceeding ten years and for issuing debentures for the money so borrowed or for issuing to the vendor debentures payable within that period in payment of the purchase money.

9. Subsection 10 of section 527 of the said Act is repealed and the following substituted therefor: s. 527 (10),  
re-enacted

(10) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes, and, where such taxes are required to be paid by instalments under a by-law passed under subsection 1, the remainder of such payment shall be credited first against the instalment first due and secondly against the instalment next due, and so on, until the whole of the remainder of the payment has been credited against such taxes. Disposition  
of part  
payment of  
taxes

10. Section 542 of the said Act is repealed and the following substituted therefor: s. 542,  
re-enacted

542. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes and shall credit the remainder of such payment against that part of the taxes that has been in arrears for the greatest period of time; but no such payment shall be received after a warrant has issued for the sale of the land for taxes. Receiving  
payment on  
account of  
arrears

- 11.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent. Commence-  
ment

- (2) Section 4 shall be deemed to have come into force on the 1st day of January, 1977. Idem

12. The short title of this Act is *The Municipal Amendment Act*, 1977. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 1977*

ASSEMBLY PROROGUED

*December 16 1977*

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY

---

An Act to amend  
The Municipal Act

---

*1st Reading*

July 5th, 1977

*2nd Reading*

November 1st, 1977

*3rd Reading*

November 8th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---



BILL 42

*Pauline G. G. G. G.*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend  
The City of Timmins-Porcupine Act, 1972**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 42

1977

**An Act to amend  
The City of Timmins-Porcupine Act, 1972**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The City of Timmins-Porcupine Act, 1972*, being <sup>s. 21, amended</sup> chapter 117, is amended by adding thereto the following subsections:
  - (2) All interests of The Timmins Board of Education and The Timmins District Roman Catholic Separate School Board in respect of education tax arrears and accumulated interest thereon uncollected as of the 1st day of January, 1973, shall be deemed to have become assets of the City, without compensation, on the 1st day of January, 1973. <sup>Interest in tax arrears vested in City</sup>
  - (3) The City shall pay, to the extent that such moneys <sup>Payment of arrears</sup> have not already been paid, the full amount of such arrears and accumulated interest to The Timmins Board of Education and The Timmins District Roman Catholic Separate School Board.
  - (4) In addition to any other remedy possessed by the City for the recovery of taxes collectable by it, the City has and shall be deemed to always have had the right to recover the taxes and accumulated interest owing to it, including those education tax arrears and accumulated interest mentioned in subsection 1, under the procedures provided for in Part III of *The Municipal Affairs Act*. <sup>Right of City to recover arrears of taxes</sup>
2. Subsection 4 of section 21 of *The City of Timmins-Porcupine Act, 1972*, as enacted by section 1 of this Act, does not affect or prejudice any right of any person in any action, litigation or other proceeding commenced on or before the day this Act comes into force, and any such action, litigation or other proceeding may be continued and finally adjudicated upon to the same extent as if this Act had not been passed. <sup>R.S.O. 1970, c. 118</sup> <sup>Saving</sup>

Commence-  
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The City of Timmins-Porcupine Amendment Act, 1977*.

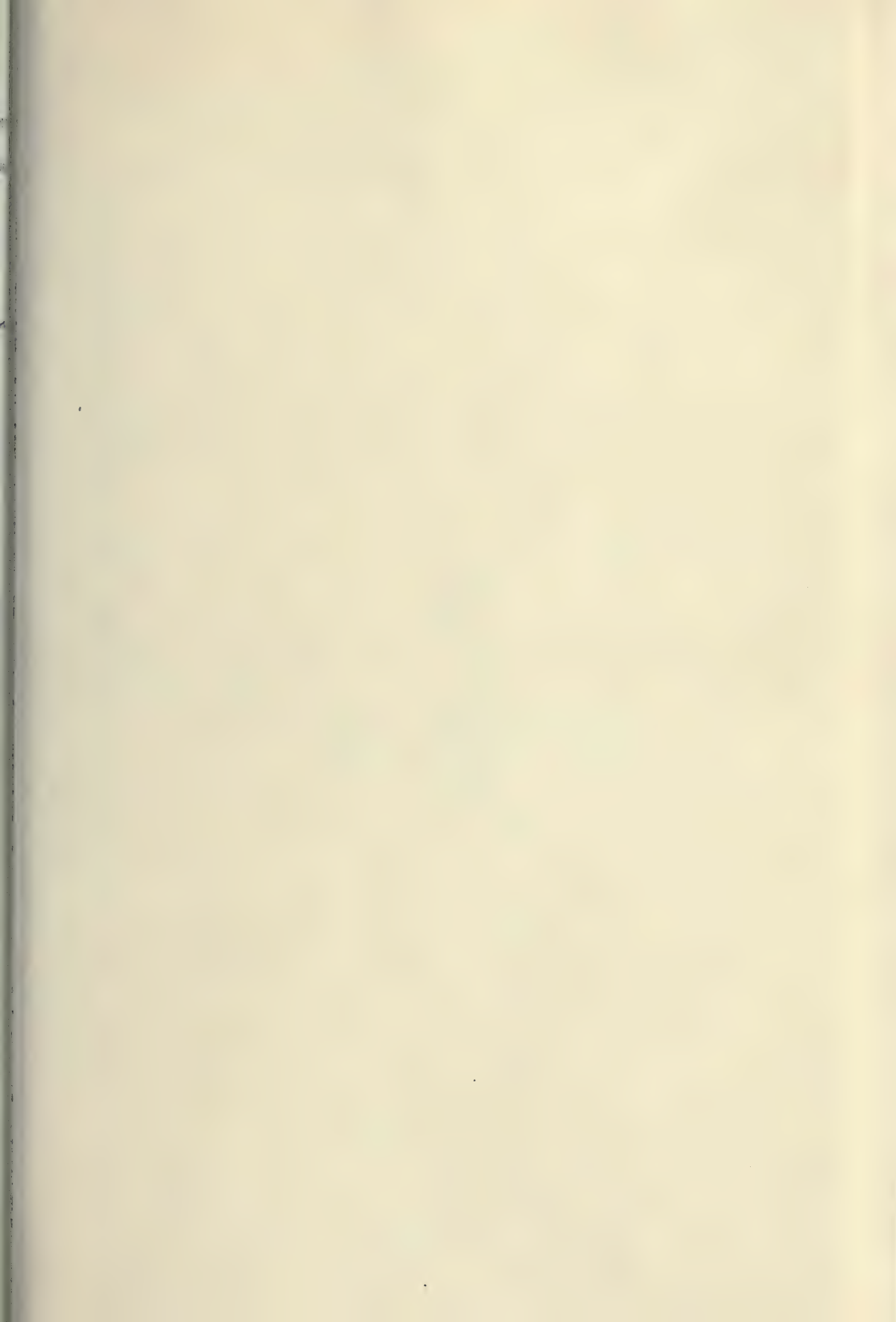
ASSENTED TO BY LIEUTENANT-GOVERNOR Oct 27 19 77

ASSEMBLY PROROGUED December 16 19 77

*Robert Lewis*

CLERK

LEGISLATIVE ASSEMBLY







THE UNIVERSITY OF CHICAGO

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283	1284	1285	1286	1287	1288	1289	1290	1291	1292	1293	1294	1295	1296	1297	1298	1299	1300	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320	1321	1322	1323	1324	1325	1326	1327	1328	1329	1330	1331	1332	1333	1334	1335	1336	1337	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370	1371	1372	1373	1374	1375	1376	1377	1378	1379	1380	1381	1382	1383	1384	1385	1386	1387	1388	1389	1390	1391	1392	1393	1394	1395	1396	1397	1398	1399	1400	1401	1402	1403	1404	1405	1406	1407	1408	1409	1410	1411	1412	1413	1414	1415	1416	1417	1418	1419	1420	1421	1422	1423	1424	1425	1426	1427	1428	1429	1430	1431	1432	1433	1434	1435	1436	1437	1438	1439	1440	1441	1442	1443	1444	1445	1446	1447	1448	1449	1450	1451	1452	1453	1454	1455	1456	1457	1458	1459	1460	1461	1462	1463	1464	1465	1466	1467	1468	1469	1470	1471	1472	1473	1474	1475	1476	1477	1478	1479	1480	1481	1482	1483	1484	1485	1486	1
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	---

An Act to amend  
The City of Timmins-Porcupine Act, 1972

---

*1st Reading*

July 5th, 1977

*2nd Reading*

October 18th, 1977

*3rd Reading*

October 18th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*Pauline G. G. S. Hon*

**BILL 43**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to revise The Audit Act**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 43

1977

## An Act to revise The Audit Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "agency of the Crown" means an association, authority, board, commission, corporation, council, foundation, institution, organization or other body,
  - (i) whose accounts the Auditor is appointed to audit by its shareholders or by its board of management, board of directors or other governing body,
  - (ii) whose accounts are audited by the Auditor under any other Act or whose accounts the Auditor is appointed by the Lieutenant Governor in Council to audit,
  - (iii) whose accounts are audited by an auditor, other than the Auditor, appointed by the Lieutenant Governor in Council, or
  - (iv) the audit of the accounts of which the Auditor is required to direct or review or in respect of which the auditor's report and the working papers used in the preparation of the auditor's statement are required to be made available to the Auditor under any other Act,

but does not include one that is not affected by *The Crown Agency Act*;

R.S.O. 1970,  
c. 100

- (b) "Assistant Auditor" means the Assistant Provincial Auditor;
- (c) "Auditor" means the Provincial Auditor;
- (d) "Board" means the Board of Internal Economy established under section 82 of *The Legislative Assembly Act*;

R.S.O. 1970,  
c. 240

- (e) "Crown controlled corporation" means a corporation that is not an agency of the Crown and having 50 per cent or more of its issued and outstanding shares vested in Her Majesty in right of Ontario or having the appointment of a majority of its board of directors made or approved by the Lieutenant Governor in Council;

1972, c. 3

- (f) "fiscal year" has the same meaning as in *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*;

- (g) "inspection audit" means an examination of accounting records;

- (h) "Office of the Auditor" means the Office of the Provincial Auditor;

R.S.O. 1970,  
c. 166

- (i) "public money" has the same meaning as in *The Financial Administration Act. New.*

Office  
of the  
Auditor

**2.** The Office of the Provincial Auditor shall consist of the Auditor, the Assistant Auditor and such employees as may be required from time to time for the proper conduct of the business of the Office. *New.*

Provincial  
Auditor

**3.** The Auditor shall be appointed as an officer of the Assembly by the Lieutenant Governor in Council on the address of the Assembly after consultation with the chairman of the standing Public Accounts Committee of the Assembly. R.S.O. 1970, c. 36, s. 1 (1), *amended.*

Tenure of  
office and  
removal

**4.** The Auditor may hold office until the end of the month in which he attains the age of sixty-five years and may be reappointed for a period not exceeding one year at a time until the end of the month in which he attains seventy years of age, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly. R.S.O. 1970, c. 36, s. 2, *amended.*

Salary of  
Auditor

**5.—(1)** The Auditor shall be paid a salary within the highest range of salaries paid to deputy ministers in the Ontario civil service and is entitled to the privileges of office of a senior deputy minister.

Idem

**(2)** The salary of the Auditor, within the salary range referred to in subsection 1, shall be determined and reviewed annually by the Board.

(3) The salary of the Auditor shall be charged to and paid out of the Consolidated Revenue Fund. R.S.O. 1970, c. 36, s. 1 (2, 3), *amended*. Idem

**6.**—(1) The Assistant Auditor shall be appointed as an officer of the Assembly by the Lieutenant Governor in Council upon the recommendation of the Auditor. Assistant Auditor

(2) The Assistant Auditor, under the direction of the Auditor, shall assist in the exercise of the powers and the performance of the duties of the Auditor and, in the absence or inability to act of the Auditor, shall act in the place of the Auditor. R.S.O. 1970, c. 36, s. 3, *amended*. Idem

**7.** The persons appointed as Auditor and Assistant Auditor shall be persons who are licensed under *The Public Accountancy Act*. *New*. Qualifications  
R.S.O. 1970,  
c. 373

**8.** The Provincial Auditor and the Assistant Provincial Auditor holding office under *The Audit Act*, being chapter 36 of the Revised Statutes of Ontario, 1970, immediately before this Act comes into force shall be deemed to be appointed under this Act. *New*. Transitional

**9.**—(1) The Auditor shall audit, on behalf of the Assembly and in such manner as the Auditor considers necessary, the accounts and records of the receipt and disbursement of public money forming part of the Consolidated Revenue Fund whether held in trust or otherwise. 1971, c. 54, s. 4, *amended*. Audit of  
Consolidated  
Revenue  
Fund

(2) Where the accounts and financial transactions of an agency of the Crown are not audited by another auditor, the Auditor shall perform the audit, and, notwithstanding any provision of any other Act, where the accounts and financial transactions of an agency of the Crown are audited by another auditor, the audit shall be performed under the direction of the Auditor and such other auditor shall report to the Auditor. Audit of  
agencies  
of the  
Crown

(3) Where the accounts of a Crown controlled corporation are audited other than by the Auditor, the person or persons performing the audit, Audit of  
Crown  
controlled  
corporations

(a) shall deliver to the Auditor forthwith after completion of the audit a copy of their report of their findings and their recommendations to the management and a copy of the audited financial statements of the corporation;



- (b) shall make available forthwith to the Auditor, when so requested by the Auditor, all working papers, reports, schedules and other documents in respect of the audit or in respect of any other audit of the corporation specified in the request;
- (c) shall provide forthwith to the Auditor, when so requested by the Auditor, a full explanation of work performed, tests and examinations made and the results obtained, and any other information within the knowledge of such person or persons in respect of the corporation.

Additional  
examination  
and  
investigation

(4) Where the Auditor is of the opinion that any information, explanation or document that is provided, made available or delivered to him by the auditor or auditors referred to in subsection 2 or 3 is insufficient, the Auditor may conduct or cause to be conducted such additional examination and investigation of the records and operations of the agency or corporation as the Auditor considers necessary. *New.*

Information  
and access  
to records

**10.** Every ministry of the public service, every agency of the Crown and every Crown controlled corporation shall furnish the Auditor with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as the Auditor from time to time requires, and the Auditor shall be given access to all books, accounts, financial records, reports, files and all other papers, things or property belonging to or in use by the ministry, agency of the Crown or Crown controlled corporation and necessary to the performance of the duties of the Auditor under this Act. R.S.O. 1970, c. 36, s. 7, *amended.*

Accommoda-  
tion in  
ministries  
and Crown  
agencies

**11.** For the purposes of the exercise of his powers or the performance of his duties under this Act, the Auditor may station one or more members of the Office of the Auditor in any ministry of the public service, in any agency of the Crown and in any Crown controlled corporation and the ministry, agency or corporation shall provide such accommodation as is required for such purposes. R.S.O. 1970, c. 36, s. 10, *amended.*

Annual  
report

**12.—(1)** The Auditor shall report annually to the Speaker of the Assembly after each fiscal year is closed and the Public Accounts are laid before the Assembly, but not later than the 31st day of December in each year unless the Public Accounts are not laid before the Assembly by that day, and may make a special report to the Speaker at any time on any matter that in the opinion of the Auditor should not be deferred until the annual report, and the Speaker shall lay each such report before the Assembly

forthwith if it is in session or, if not, not later than the tenth day of the next session.

(2) In his annual report in respect of each fiscal year, <sup>Contents of report</sup> the Auditor shall report on,

- (a) the work of the Office of the Auditor, and on whether in carrying on the work of the Office the Auditor received all the information and explanations required;
- (b) the examination of accounts of receipts and disbursements of public money;
- (c) the examination of the statements of Assets and Liabilities, the Consolidated Revenue Fund and Revenue and Expenditure as reported in the Public Accounts, and shall express an opinion as to whether the statements present fairly the financial position of the Province, the results of its operations and the changes in its financial position in accordance with the accounting principles stated in the Public Accounts applied on a basis consistent with that of the preceding fiscal year together with any reservations the Auditor may have;
- (d) all special warrants issued to authorize payments, stating the date of each special warrant, the amount authorized and the amount expended;
- (e) all orders of the Management Board of Cabinet made to authorize payments in excess of appropriations, stating the date of each order, the amount authorized and the amount expended;
- (f) such matters as, in the opinion of the Auditor, should be brought to the attention of the Assembly including, without limiting the generality of the foregoing, any matter related to the audit of agencies of the Crown or Crown controlled corporations or any cases where the Auditor has observed that,
  - (i) accounts were not properly kept or public money was not fully accounted for,
  - (ii) essential records were not maintained or the rules and procedures applied were not sufficient to safeguard and control public property or to effectively check the assessment, collection and proper allocation of

revenue or to ensure that expenditures were made only as authorized,

- (iii) money was expended other than for the purposes for which it was appropriated,
- (iv) money was expended without due regard to economy and efficiency, or
- (v) where procedures could be used to measure and report on the effectiveness of programs, the procedures were not established or, in the opinion of the Auditor, the established procedures were not satisfactory. R.S.O. 1970, c. 36, s. 20; 1971, c. 54, s. 5, *amended*.

Inspection  
audit

**13.**—(1) The Auditor may perform an inspection audit in respect of a payment in the form of a grant from the Consolidated Revenue Fund or an agency of the Crown and may require a recipient of such a payment to prepare and to submit to the Auditor a financial statement that sets out the details of the disposition of the payment by the recipient.

Obstruction  
of Auditor

(2) No person shall obstruct the Auditor or any member of the Office of the Auditor in the performance of an inspection audit or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the inspection audit.

Offence

(3) Every person who knowingly contravenes subsection 2 and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem,  
corporation

(4) Where a corporation is convicted of an offence under subsection 3, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. *New.*

Examination  
on oath

**14.** The Auditor may examine any person on oath on any matter pertinent to any account subject to audit by the Auditor or in respect of any inspection audit by the Auditor and for the purpose of such an examination the Auditor has the powers conferred upon a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the examination as if it were an inquiry under that Act. R.S.O. 1970, c. 36, s. 22, *amended*.

1971, c. 49

Proviso

**15.** Nothing in this Act shall be construed to require the Auditor,



- (a) to report on any matter that, in the opinion of the Auditor, is immaterial or insignificant; or
- (b) to audit or direct the audit of or report on the accounts of a body not referred to in this Act in the absence of such a requirement in any other Act in respect of the body. R.S.O. 1970, c. 36, s. 21, *amended*.

**16.** At the request of the standing Public Accounts Committee of the Assembly, the Auditor and any member of the Office of the Auditor designated by the Auditor shall attend at the meetings of the committee in order,

Attendance  
at standing  
Public  
Accounts  
Committee  
of the  
Assembly

- (a) to assist the committee in planning the agenda for review by the committee of the Public Accounts and the annual report of the Auditor; and
- (b) to assist the committee during its review of the Public Accounts and the annual report of the Auditor,

and the Auditor shall examine into and report on any matter referred to him in respect of the Public Accounts by a resolution of the committee. *New.*

**17.** The Auditor shall perform such special assignments as may be required by the Assembly, the standing Public Accounts Committee of the Assembly, by resolution of the committee, or by a minister of the Crown in right of Ontario but such special assignments shall not take precedence over the other duties of the Auditor under this Act and the Auditor may decline an assignment by a minister of the Crown that, in the opinion of the Auditor, might conflict with the other duties of the Auditor. *New.*

Special  
assignments

**18.** The Auditor may advise appropriate persons employed in the public service of Ontario as to any matter that comes or that may come to the attention of the Auditor in the course of the exercise of his powers or the performance of his duties as Auditor. *New.*

Power to  
advise

**19.** Audit working papers of the Office of the Auditor shall not be laid before the Assembly or any committee of the Assembly. *New.*

Audit  
working  
papers

**20.**—(1) Subject to the approval of the Board and to sections 22, 25 and 26, the Auditor may employ such professional staff and other persons as the Auditor considers necessary for the efficient operation of the Office of the

Staff



Auditor and may determine the salary of the Assistant Auditor and the salaries and remuneration, which shall be comparable to the salary ranges of similar positions or classifications in the public service of Ontario, and the terms and conditions of employment of the employees of the Office of the Auditor. R.S.O. 1970, c. 36, s. 4, *amended*.

Transition  
of staff

(2) On the day this Act comes into force, the members of the public service of Ontario who are employed on the staff of the Auditor shall cease to be employed in the public service and each such person shall become an employee of the Office of the Auditor at a salary of not less than he was receiving on the day immediately before the day this Act comes into force. *New*.

Oath of  
office and  
secrecy and  
oath of  
allegiance

**21.**—(1) Every employee of the Office of the Auditor, before performing any duty as an employee of the Auditor, shall take and subscribe before the Auditor or a person designated in writing by the Auditor,

(a) the following oath of office and secrecy:

I, ....., do swear (or solemnly affirm) that I will faithfully discharge my duties as an employee of the Provincial Auditor and will observe and comply with the laws of Canada and Ontario and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being an employee of the Office of the Auditor.

So help me God. (Omit this line in an affirmation)

(b) the following oath of allegiance:

I, ....., do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law.

So help me God. (Omit this line in an affirmation)

Idem

(2) The Auditor may require any person or class of persons appointed to assist the Auditor for a limited period of time or in respect of a particular matter to take and subscribe either or both of the oaths set out in subsection 1.

Record  
of oaths

(3) A copy of each oath administered to an employee of the Office of the Auditor under subsection 1 shall be kept in the file of the employee in the Office of the Auditor.

Cause for  
dismissal

(4) The failure of an employee of the Office of the Auditor to take and subscribe or to adhere to either of the oaths

required by subsection 1 may be considered as cause for dismissal. *New.*

**22.**—(1) The employee benefits applicable from time to time pursuant to *The Public Service Act* to civil servants who are not within a unit of employees established for collective bargaining under any Act apply or continue to apply, as the case may be, to the Auditor, the Assistant Auditor and to the full-time permanent and probationary employees of the Office of the Auditor and the Board or any person authorized by order of the Board may exercise the powers and duties of the Civil Service Commission and the Auditor or any person authorized in writing by the Auditor may exercise the powers and duties of a deputy minister pursuant to that Act in respect of such benefits.

Benefits  
R.S.O. 1970.  
c. 386

(2) *The Public Service Superannuation Act* applies to the full-time permanent and probationary employees of the Office of the Auditor as though the Office of the Auditor were a commission designated by the Lieutenant Governor in Council under section 27 of that Act and to the Auditor and Assistant Auditor as though they were members of such a commission who held positions designated by and whose requests for such designations had been approved by the Lieutenant Governor in Council under section 27 of that Act and all credits in the Public Service Superannuation Fund of the full-time permanent and probationary employees of the Office of the Auditor and of the Auditor and the Assistant Auditor accumulated under that Act immediately before the coming into force of this Act are preserved and continued in accordance with that Act. *New.*

Super-  
annuation  
benefits  
R.S.O. 1970.  
c. 387

**23.** Subject to the approval of the Board, the Auditor from time to time may appoint one or more persons having technical or special knowledge of any kind to assist the Auditor for a limited period of time or in respect of a particular matter and the moneys required for the purposes of this section shall be charged to and paid out of the Consolidated Revenue Fund. *New.*

Expert  
assistance

**24.** The Auditor may delegate in writing to any other member of the Office of the Auditor authority to exercise any power or perform any duty of the Auditor other than reporting to the Assembly. R.S.O. 1970, c. 36, s. 6, *amended.*

Delegation  
of authority

**25.**—(1) An employee of the Office of the Auditor shall not,

Political  
activities  
of employees  
of the Office  
of the Auditor

(a) be a candidate in a provincial or federal election or in an election for any municipal office including

R.S.O. 1970,  
c. 118

a local board of a municipality within the meaning of *The Municipal Affairs Act*;

(b) solicit funds for a provincial, federal or municipal party or candidate; or

(c) associate his position in the Office of the Auditor with any political activity.

Cause for  
dismissal

(2) Contravention of any of the provisions of subsection 1 may be considered as cause for dismissal. *New.*

Conduct  
and  
discipline

**26.**—(1) The Auditor may make orders and rules for the conduct of the internal business of the Office of the Auditor and, after a hearing, may suspend, demote or dismiss any employee of the Office of the Auditor for cause. R.S.O. 1970, c. 36, s. 5, *amended.*

Hearing  
R.S.O. 1970,  
c. 386

(2) The provisions of *The Public Service Act* and of Regulation 749 of Revised Regulations of Ontario, 1970 that apply in relation to suspension from employment pending an investigation and in relation to a hearing by a deputy minister or his delegate as to cause for dismissal, other than as to notice to the Civil Service Commission, apply with necessary modifications where the Auditor is of the opinion that there may exist cause for the suspension without pay, demotion or dismissal of an employee of the Office of the Auditor, and, for the purpose, the Auditor shall be deemed to be a deputy minister.

Appeals

(3) A decision of the Auditor to demote, suspend or dismiss an employee may be appealed by the employee, within fourteen days after the decision has been communicated to him, to the Public Service Grievance Board established pursuant to *The Public Service Act*.

Grievance  
Board  
authorized  
to hear  
appeals

(4) The Public Service Grievance Board may hear and dispose of an appeal under this section and the provisions of Part V of Regulation 749 of Revised Regulations of Ontario, 1970 that apply in relation to a grievance for dismissal apply with necessary modifications to an appeal under this section, and, for the purpose, the Auditor shall be deemed to be a deputy minister and the decision of the Public Service Grievance Board is final and the Public Service Grievance Board shall report its decision and reasons in writing to the Auditor and to the appellant. *New.*

Proceedings  
privileged

**27.**—(1) No proceedings lie against the Auditor, the Assistant Auditor, any person employed in the Office of the Auditor or any person appointed to assist the Auditor



for a limited period of time or in respect of a particular matter, for anything he may do or report or say in the course of the exercise or the intended exercise of functions under this Act, unless it is shown that he acted in bad faith.

(2) The Auditor, the Assistant Auditor and each person employed in the Office of the Auditor or appointed to assist the Auditor for a limited period of time or in respect of a particular matter shall preserve secrecy with respect to all matters that come to his knowledge in the course of his employment or duties under this Act and shall not communicate any such matters to any person, except as may be required in connection with the administration of this Act or any proceedings under this Act or under the *Criminal Code* (Canada).

Information  
confidential

R.S.C. 1970.  
c. C-34

**28.** A person or persons, not employed by the Crown or the Office of the Assembly, licensed under *The Public Accountancy Act* and appointed by the Board, shall examine the accounts relating to the disbursements of public money on behalf of the Office of the Auditor and shall report thereon to the Board and the chairman of the Board shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. 1971, c. 54, s. 6, *part, amended.*

Examination  
of accounts  
of Office of  
the Auditor  
R.S.O. 1970.  
c. 373

**29.**—(1) The Auditor shall present annually to the Board estimates of the sums of money that will be required for the purposes of this Act.

Estimates

(2) The Board shall review and may alter as it considers proper the estimates presented by the Auditor, and the chairman of the Board shall cause the estimates as altered by the Board to be laid before the Assembly and the Assembly shall refer the estimates laid before it to a committee of the Assembly for review.

Review  
by Board

(3) Notice of meetings of the Board to review or alter the estimates presented by the Auditor shall be given to the chairman and the vice-chairman of the standing Public Accounts Committee of the Assembly and the chairman and the vice-chairman may attend at the review of the estimates by the Board.

Notice

(4) The moneys required for the purposes of this Act, other than under sections 5 and 23, shall be paid out of the moneys appropriated therefor by the Legislature. *New.*

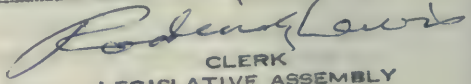
Moneys

**30.** The following are repealed:

Repeals



1. *The Audit Act*, being chapter 36 of the Revised Statutes of Ontario, 1970.
  2. *The Audit Amendment Act, 1971*, being chapter 54.
  - 1972, c. 3      3. Sections 7 and 8 of *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*.
  - 1973, c. 33      4. Section 2 of *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973*.
- Commence-  
ment      **31.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title      **32.** The short title of this Act is *The Audit Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977  
 ASSEMBLY PROROGUED December 16 1977  
  
 CLERK  
 LEGISLATIVE ASSEMBLY



An Act to revise The Audit Act

---

*1st Reading*

July 6th, 1977

*2nd Reading*

October 25th, 1977

*3rd Reading*

December 12th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

BILL 44

*Outline by G. L. Hill*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend  
the Toronto Area Transit Operating  
Authority Act, 1974**

---

THE HON. J. W. SNOW  
Minister of Transportation and Communications

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



100-100000

100-100000

100-100000

100-100000

100-100000

100-100000

BILL 44

1977

**An Act to amend  
the Toronto Area Transit Operating  
Authority Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of section 1 of *The Toronto Area Transit Operating Authority Act, 1974*, being chapter 69, is amended by striking out “and” at the end of subclause ii and by adding thereto the following subclauses:
- (iv) The Regional Area as defined in *The Regional Municipality of Durham Act, 1973*, <sup>s. 1 (a), amended</sup>
  - (v) The Regional Area as defined in *The Regional Municipality of Halton Act, 1973*, and <sup>1973, c. 162</sup>
  - (vi) The Regional Area as defined in *The Regional Municipality of Hamilton-Wentworth Act, 1973*. <sup>1973, c. 74</sup>
- (2) Clause *g* of the said section 1 is repealed and the following <sup>s. 1 (g), re-enacted</sup> substituted therefor:
- (g) “regional area” means,
    - (i) a regional area as defined in,
      - A. *The Regional Municipality of Durham Act, 1973*, <sup>1973, c. 78</sup>
      - B. *The Regional Municipality of Halton Act, 1973*, <sup>1973, c. 162</sup>
      - C. *The Regional Municipality of Hamilton-Wentworth Act, 1973*, <sup>1973, c. 74</sup>
      - D. *The Regional Municipality of Peel Act, 1973*, <sup>1973, c. 60</sup>

R.S.O. 1970,  
c. 498

E. *The Regional Municipality of York Act*,  
or

R.S.O. 1970,  
c. 295

(ii) the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*.

s. 1 (f),  
amended

(3) Clause *j* of the said section 1 is amended by adding at the end thereof "and parcel express".

s. 2 (2),  
amended

2.—(1) Subsection 2 of section 2 of the said Act is amended by striking out "four" in the first line and inserting in lieu thereof "seven".

s. 2 (2) (b),  
amended

(2) Clause *b* of subsection 2 of the said section 2 is amended by inserting after "of" in the second line "Durham, Halton, Hamilton-Wentworth".

s. 2 (4),  
amended

(3) Subsection 4 of the said section 2 is amended by striking out "Three" and inserting in lieu thereof "Four".

s. 3,  
repealed

3. Section 3 of the said Act is repealed.

s. 6 (b),  
amended

4.—(1) Clause *b* of section 6 of the said Act is amended by adding at the end thereof "and to operate, within the area of jurisdiction of the Authority on routes where the Authority operates an inter-regional transit service, transit services within a regional area at the request of and under an agreement with the council of the regional area or the council of an area municipality within the regional area".

s. 6,  
amended

(2) The said section 6 is amended by adding thereto the following clause:

(aa) to provide a parcel express service within the area of jurisdiction of the Authority only in conjunction with and ancillary to its passenger service.

s. 7 (2) (d),  
re-enacted

5. Clause *d* of subsection 2 of section 7 of the said Act is repealed and the following substituted therefor:

(d) enter into agreements with the Crown, any individual, corporation, partnership or association,

(i) for the leasing of transit vehicles owned by the Authority with drivers, or

(ii) for any purpose related to the objects or powers of the Authority; and

. . . . .

6. The said Act is amended by adding thereto the following <sup>s. 11a,</sup>  
section: <sub>enacted</sub>

11a. Where the Authority operates a transit service <sup>Fares</sup>  
within a regional area under agreement with the council of <sup>established</sup>  
the regional area or with the council of an area municipality <sup>by agreement</sup>  
within the regional area, the tariff of fares of the service shall  
be established by the agreement.

7. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>  
<sub>ment</sub>
8. The short title of this Act is *The Toronto Area Transit* <sup>Short title</sup>  
*Operating Authority Amendment Act, 1977.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Oct 27 1977

ASSEMBLY PROROGUED December 16 1977

*Rodney Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY







An Act to amend  
the Toronto Area Transit Operating  
Authority Act, 1974

---

*1st Reading*

July 6th, 1977

*2nd Reading*

October 25th, 1977

*3rd Reading*

October 25th, 1977

---

THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

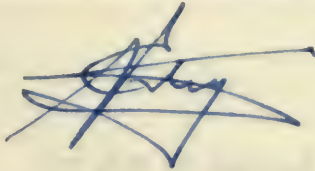
---

# **BILL 45**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Farm Products Payments Act**

---

THE HON. W. NEWMAN  
Minister of Agriculture and Food

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 45

1977

## An Act to amend The Farm Products Payments Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *c* and *f* of section 1 of *The Farm Products Payments Act*, being chapter 163 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1 (c, f),  
re-enacted

(c) "farm product" means such animals, meats, eggs, poultry, wool, milk, cream, cheese, grains, seeds, fruit, vegetables, maple products, honey or tobacco or such classes or parts thereof as are designated in the regulations;

(f) "producer" means a person who produces a farm product and includes, where so designated in the regulations,

(i) a marketing board under *The Milk Act*, R.S.O. 1970,  
c. 273

(ii) a local board under *The Farm Products Marketing Act*, and R.S.O. 1970,  
c. 162

(iii) an operator engaged in the business of operating community sales under *The Live Stock Community Sales Act*. R.S.O. 1970,  
c. 253

2. Subsection 4 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (4),  
re-enacted

(4) The Lieutenant Governor in Council may designate under subsection 1 The Milk Commission of Ontario or The Farm Products Marketing Board as a board constituted for the purposes of this Act and, when so designated, the said Commission or Board shall be deemed for the purposes of Milk  
Commission  
and Farm  
Products  
Marketing  
Board may  
be a board

this Act, other than subsections 5 and 6 of this section, to be a board constituted under subsection 1.

s. 5 (3),  
re-enacted

3. Subsection 3 of section 5 of the said Act is repealed and the following substituted therefor:

Advances  
or loans  
to board

(3) If, at any time, the amount standing to the credit of a fund is insufficient for the purpose of making payments for claims under this Act, the Lieutenant Governor in Council may authorize the Treasurer of Ontario,

(a) in the case of a fund that exists when this clause comes into force, to advance out of the Consolidated Revenue Fund to the board that administers the fund such sums as are necessary to meet the deficit; or

(b) in the case of any fund, to make out of the Consolidated Revenue Fund to the board that administers the fund loans that do not bear interest and do not exceed in the aggregate \$250,000,

on such terms and conditions as the Lieutenant Governor in Council directs.

Grant  
to board

(3a) Where the Lieutenant Governor in Council establishes a fund under subsection 1 of section 2, the Lieutenant Governor in Council may authorize the Treasurer of Ontario to make out of the Consolidated Revenue Fund to the board that administers the fund one grant in an amount not exceeding \$25,000.

Payment  
out of  
fund

(3b) Every board that administers a fund shall pay out of the fund all moneys required for,

(a) the payment of claims under this Act; and

(b) the repayment of advances or loans, as the case may be, under subsection 3.

s. 7,  
re-enacted

4. Section 7 of the said Act is repealed and the following substituted therefor:

Failure to  
pay fees  
or furnish  
security

#### 7. Failure,

(a) to pay a fee prescribed in the regulations; or

(b) to furnish security or proof of financial responsibility in accordance with the regulations,

shall be grounds for the suspension or revocation of or refusal to issue or renew a licence under the following Acts:

1. *The Farm Products Grades and Sales Act.*

R.S.O. 1970,  
cc. 161, 162,  
253, 273

2. *The Farm Products Marketing Act.*

3. *The Live Stock Community Sales Act.*

4. *The Milk Act.*

5.—(1) Clauses *b*, *c* and *e* of section 8 of the said Act are repealed <sup>s. 8 (b, c, e),</sup> and the following substituted therefor: <sup>re-enacted</sup>

(b) designating marketing boards under *The Milk Act*, local boards under *The Farm Products Marketing Act* or operators engaged in the business of operating community sales under *The Live Stock Community Sales Act*, as producers, and limiting the extent of any such designation;

(c) exempting any class or classes of dealers from the application of this Act or the regulations, or any part thereof;

. . . . .

(e) requiring dealers or producers, or both, to pay fees to a board and prescribing the amounts and the times and manner of payment thereof, and providing for the collecting thereof.

(2) The said section 8 is amended by adding thereto the <sup>s. 8,</sup> following clauses: <sup>amended</sup>

(ea) requiring the furnishing of security or proof of financial responsibility by dealers engaged in the marketing of a farm product in respect of which a fund is established and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;

(eb) prescribing the manner in which and the conditions under which a dealer shall make payment to producers for a farm product in respect of which a fund is established;

(ec) prescribing, for the purposes of clause *a* of section 3, the times when payments become due for a farm product in respect of which a fund is established;



(ed) prescribing the terms and conditions under which a person who sells a farm product on behalf of a producer and who is designated as a producer may claim payment from a fund and receive payment therefrom.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is *The Farm Products Payments Amendment Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE

ASSEMBLY PROROGUED

*July*  
*December 16*  
*Fredrick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY



An Act to amend  
The Farm Products Payments Act

---

*1st Reading*

July 6th, 1977

*2nd Reading*

July 7th, 1977

*3rd Reading*

July 7th, 1977

---

THE HON. W. NEWMAN  
Minister of Agriculture and Food

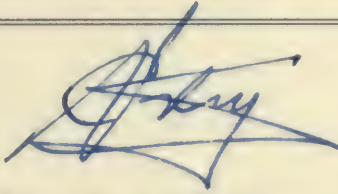
---

# **BILL 47**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Legislative Assembly Act**

---

THE HON. R. WELCH  
Minister of Culture and Recreation

---





BILL 47

1977

## An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 151, section 1, is repealed and the following substituted therefor: s. 60 (1),  
re-enacted

(1) An indemnity at the rate of \$17,200 per annum shall be paid to every member of the Assembly. Members'  
indemnities

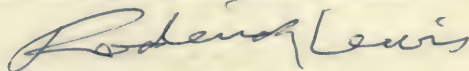
- (2) Subsection 5 of the said section 60, as amended by the Statutes of Ontario, 1973, chapter 151, section 1, is repealed and the following substituted therefor: s. 60 (5),  
re-enacted

(5) Notwithstanding subsection 4, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity not exceeding \$1,430 per month and any part of his allowance for expenses not exceeding one-twelfth of his annual allowance for expenses per month. Advances

2. This Act comes into force on the 15th day of September, 1977. Commence-  
ment
3. The short title of this Act is *The Legislative Assembly Amendment Act, 1977*. Short title

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977

ASSEMBLY PROROGUED December 16 1977



CLERK  
LEGISLATIVE ASSEMBLY

An Act to amend  
The Legislative Assembly Act

---

*1st Reading*

July 7th, 1977

*2nd Reading*

July 12th, 1977

*3rd Reading*

July 12th, 1977

---

THE HON. R. WELCH  
Minister of Culture and Recreation

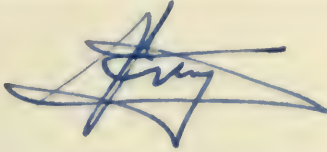
---

# BILL 48

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to amend The Legislative Assembly Retirement Allowances Act, 1973**

---

THE HON. R. WELCH  
Minister of Culture and Recreation

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 48

1977

## An Act to amend The Legislative Assembly Retirement Allowances Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *b* and *c* of subsection 3 of section 18 of *The Legislative Assembly Retirement Allowances Act, 1973*, being chapter 152, are repealed and the following substituted therefor:

s. 18 (3) (b),  
re-enacted;  
s. 18 (3) (c),  
repealed

- (b) 3.5 per cent of the average annual remuneration of the person multiplied by the years of service, including part of a year, to his credit over ten years and up to and including twenty years of such service,

2. Section 19 of the said Act is repealed and the following substituted therefor:

s. 19,  
re-enacted

19.—(1) Where a former member who is receiving an allowance dies leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to,

Spouse's  
allowance

- (a) 60 per cent of the allowance that the former member was receiving at the date of his or her death; and
- (b) in respect of each child under the age of eighteen years, to a maximum of three children of the former member, 10 per cent of the allowance that the former member was receiving at the date of his or her death.

- (2) Where a member dies,

Computation  
of allowance

- (a) leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to the greater of,

(i) an amount equal to 25 per cent of the annual indemnity of the member in effect immediately before his or her death, or

(ii) an amount equal to,

A. 60 per cent of the allowance that the member had earned to the date of his or her death, and

B. in respect of each of not more than three children of the member under the age of eighteen years, 10 per cent of the allowance that the member had earned to the date of his or her death,

computed in the manner provided in section 18, but based on the member's service to the time of his or her death, and where the spouse dies leaving a child or children of the former member who at the date of the death of the spouse is or are under the age of eighteen years, an allowance equal to that paid or that would be paid to the spouse shall be paid to the child or children until such age is attained; or

(b) leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the member under clause *a* if the spouse had survived the member shall be paid to the child or children until such age is attained.

Option

(3) The spouse,

(a) of a person who had elected under section 18 to take a deferred allowance at the age when he or she would satisfy the sixty-year rule but who died before satisfying the rule; or

(b) of a person who was eligible to make an election to take a deferred or an immediate allowance under section 18 but died before making the election,

at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have satisfied the sixty-year rule had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to,

(c) 60 per cent of the allowance to which the person would have been entitled at that time; and

- (d) in respect of each child under the age of eighteen years, to a maximum of three children of the person, 10 per cent of the allowance to which the person would have been entitled at that time,

or may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to the amount calculated in accordance with clauses *c* and *d* reduced actuarially in accordance with the tables prescribed by the regulations, which the person would have been entitled to receive at the time of the spouse's election.

(4) Where a person referred to in clause *a* or *b* of sub- <sup>Idem</sup> section 3 dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the immediate allowance provided for in subsection 3, reduced actuarially in accordance with the tables prescribed by the regulations for the purposes of subsection 3, shall be paid to the child or children until such age is attained.

(5) For the purposes of this section, a person who has <sup>Exception for higher education</sup> attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Board of Internal Economy for the purposes of this section as a place of higher education, shall be deemed not to have attained the age of eighteen years.

3. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
4. The short title of this Act is *The Legislative Assembly Retirement Allowances Amendment Act, 1977*. <sup>Short title</sup>

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977

ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY







An Act to amend  
The Legislative Assembly Retirement  
Allowances Act, 1973

---

*1st Reading*

July 7th, 1977

*2nd Reading*

July 12th, 1977

*3rd Reading*

July 12th, 1977

---

THE HON. R. WELCH  
Minister of Culture and Recreation

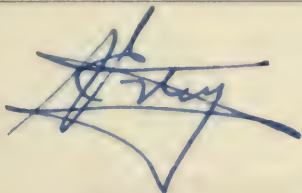
---

# **BILL 55**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

A handwritten signature in blue ink, appearing to read 'J. A. Taylor', is written over a large, stylized, hand-drawn outline of the letter 'A'.

## **An Act to establish Electrical Service Areas in The Regional Municipality of Waterloo**

---

THE HON. J. A. TAYLOR  
Minister of Energy

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 55

1977

**An Act to establish  
Electrical Service Areas in  
The Regional Municipality of Waterloo**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "accumulated net retail equity" means the portion of the equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" means an area municipality within the meaning of *The Regional Municipality of Waterloo Act, 1972*, c. 105;
- (c) "electrical service area" means an electrical service area established by subsection 1 of section 2;
- (d) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (e) "power" means electrical power and includes electrical energy;
- (f) "regulations" means the regulations made under this Act.

**2.—(1)** On the day this Act comes into force, in The Regional Municipality of Waterloo,

Electrical  
service  
areas

- (a) the area within the area municipalities of the City of Waterloo, the Township of Wellesley and the

Township of Woolwich is established as an electrical service area;

- (b) the area within the area municipalities of the City of Kitchener and the Township of Wilmot is established as an electrical service area; and
- (c) the area within the area municipalities of the City of Cambridge and the Township of North Dumfries is established as an electrical service area.

Commissions  
established

R.S.O. 1970,  
c. 390

R.S.O. 1970,  
c. 354

(2) A hydro-electric commission for each of the electrical service areas established by subsection 1 is hereby established on the day this Act comes into force, and each commission shall be deemed to be a commission established under Part III of *The Public Utilities Act* by the councils of the area municipalities comprising the electrical service area served by the commission acting in concert and a municipal commission within the meaning of *The Power Corporation Act*, and section 45 of *The Public Utilities Act* does not apply to the commissions.

Composition

1972, c. 95

(3) The commission for the electrical service area established by clause *a* of subsection 1 shall be known as the ESA-1 Hydro-Electric Commission and shall consist of the mayor of the City of Waterloo, the mayor of the Township of Woolwich, the mayor of the Township of Wellesley, three additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Waterloo, and one additional member who is a qualified elector under *The Municipal Elections Act, 1972* in the Township of Woolwich.

Idem

(4) The commission for the electrical service area established by clause *b* of subsection 1 shall be known as the ESA-2 Hydro-Electric Commission and shall consist of the mayor of the City of Kitchener, the mayor of the Township of Wilmot, four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Kitchener, and one additional member who is a qualified elector under *The Municipal Elections Act, 1972* in the Township of Wilmot.

Idem

(5) The commission for the electrical service area established by clause *c* of subsection 1 shall be known as the ESA-3 Hydro-Electric Commission and shall consist of the mayor of the City of Cambridge, the mayor of the Township of North Dumfries, and three additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Cambridge.



(6) The name of a commission may be changed by resolution of the commission to a name commencing with the words "Hydro-Electric Commission of". Names of commissions

(7) The additional members in respect of each area municipality shall be appointed on or before the 1st day of October, 1977 by the council of the area municipality from the members of the hydro-electric commissions and public utility commissions distributing and selling power within that municipality on the day this Act comes into force, to serve for a term expiring with the 31st day of December, 1978. Additional members of first commissions

(8) For terms commencing after the 31st day of December, 1978, the additional members in respect of each area municipality shall be elected by a general vote of the electors of the area municipality, unless before the 1st day of January, 1978 the council of the area municipality provides by by-law that the additional member or members in respect of that area municipality shall be appointed by the council. Additional members of subsequent commissions

(9) Members of the councils of the area municipalities comprising the electrical service area in respect of which a commission is established by subsection 2 may be appointed as members of the commission, but the members of the councils shall not form a majority of the commission. Eligibility of members of council

(10) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed. Term of office

(11) The council of an area municipality may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. Delegates

(12) Where a vacancy in a commission occurs from any cause, the council of the area municipality in respect of which the person whose seat became vacant was elected or appointed shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected or appointed. Filling of vacancies

(13) Subject to the approval of Ontario Hydro, the salaries or other remuneration of the commissioners shall from time to time be fixed by the council of the area municipality in respect of which they are elected or appointed, and the salaries of the first commissioners shall be fixed on or before the 1st day of October, 1977 in an amount that does not exceed the highest salary paid to members of hydro-electric commissions and public utilities commissions operating in the Salary



- 1972, c. 105      Regional Area within the meaning of *The Regional Municipality of Waterloo Act, 1972* on the 1st day of January, 1977.
- Resignation      (14) A resignation from a council by a member of the council who is a member of a commission established by subsection 2 shall be deemed to be a resignation from both the commission and the council.
- Powers of commissions  
R.S.O. 1970, c. 390      **3.**—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power, shall, on and after the 1st day of January, 1978, be exercised on behalf of the area municipalities comprising an electrical service area by the commission established by section 2 in respect of that electrical service area and not by the council of any area municipality or the council of The Regional Municipality of Waterloo or any other person or body.
- Idem      (2) Subject to subsection 4 and to any subsisting contracts for the supply of power to customers within the meaning of subsection 1 of section 37a of *The Ontario Energy Board Act*, on and after the 1st day of January, 1978, each commission established by section 2 has the sole right to supply power within its electrical service area, and, on behalf of the area municipalities within its electrical service area, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within its electrical service area without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*.
- R.S.O. 1970, c. 284      (3) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions established by section 2.
- Applica-  
tion of  
R.S.O. 1970,  
c. 354      (4) With the consent of a commission established by section 2, Ontario Hydro may supply power directly to customers within the electrical service area in respect of which the commission is established.
- Direct  
customers      (5) Such management and control of works for the distribution and supply of power within the electrical service areas as are exercised by hydro-electric commissions, public utilities commissions and Ontario Hydro immediately before this Act comes into force remain entrusted to them
- Transitional

to and including the 31st day of December, 1977, but any of the assets, powers and responsibilities of such commissions may by agreement be transferred before that date to a commission established by section 2.

(6) On the 1st day of January, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions and public utilities commissions distributing and selling power in an electrical service area to the extent that they pertain to the distribution and supply of power in the electrical service area are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the electrical service area.

Transfer of  
assets and  
liabilities

(7) The trustees of the police village of Baden as it existed on the 31st day of December, 1972 shall be deemed to have been established as a hydro-electric commission for the police village of Baden under Part III of *The Public Utilities Act* and the commission is dissolved on the 2nd day of January, 1978.

Baden  
village  
trustees  
deemed  
commission  
R.S.O. 1970,  
c. 390

(8) Subject to subsection 4 and the regulations, each commission established by section 2 shall acquire, on behalf of the area municipalities comprising the electrical service area served by the commission, the retail distribution facilities within its electrical service area used by Ontario Hydro on the 31st day of December, 1977 in the retail distribution of power including equipment leased by Ontario Hydro to retail customers within the electrical service area for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Purchase of  
retail distri-  
bution  
facilities  
from  
Ontario  
Hydro

(9) If the price of the facilities referred to in subsection 8 has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to *The Arbitrations Act* in accordance with subsection 8 and the regulations and the decision of the arbitrator shall not be subject to appeal.

Where price  
to be deter-  
mined by  
arbitration

R.S.O. 1970,  
c. 25

4.—(1) All real property transferred pursuant to section 3 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission, shall be taken and held by the commission in trust for the area municipalities comprising the electrical service area served by the commission.

Vesting  
of real  
property



Disposition  
of real  
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipalities comprising the electrical service area served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality in which the real property is located wishes in good faith to retain the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater and the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the area municipality in which the real property is located does not wish to retain the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the area municipalities comprising the electrical service area, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,  
c. 390

Borrowing  
1972, c. 105

5.—(1) Except as otherwise provided in this Act, sections 122, 133 to 135 and 137 to 155 of *The Regional Municipality of Waterloo Act, 1972* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Request

(2) With the approval of Ontario Hydro, a commission established by section 2 may request the area municipalities comprising the electrical service area in respect of which the commission is established to approve the borrowing of money and the councils of the area municipalities shall approve or disapprove the borrowing within thirty days of the making of the request.

Approval

(3) Notwithstanding the failure or refusal of the council of an area municipality in an electrical service area in

respect of which a commission is established to approve a proposed borrowing, where one or more area municipalities whose equalized assessment is in the aggregate more than 50 per cent of the equalized assessment of the electrical service area approve the proposed borrowing, the area municipalities comprising the electrical service area that approve the proposed borrowing shall apply to the Ontario Municipal Board for approval of the proposed borrowing on behalf of all the area municipalities comprising the electrical service area.

(4) Notwithstanding the failure or refusal of an area municipality to approve a borrowing under this section and subject to section 36 of *The Public Utilities Act*, each area municipality within an electrical service area is liable for such proportion of the payments required to be made on account of any borrowing under this section as the equalized assessment of the municipality bears to the equalized assessment of the electrical service area.

Responsi-  
bility of area  
municipal-  
ities  
R.S.O. 1970,  
c. 390

6.—(1) Each commission established by section 2 shall file annually with the council of each area municipality in the electrical service area served by the commission a statement of the affairs of the commission and its capital borrowing forecast.

Financial  
statements

(2) The accounts of each commission established by section 2 shall be audited by such of the auditors of the area municipalities comprising the electrical service area served by the commission as may be jointly appointed by identical by-laws of the councils of the area municipalities.

Auditors

7.—(1) In this section, "transfer date", when used in respect of an employee of a public utilities commission, hydro-electric commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Interpre-  
tation

(2) On or before the 31st day of December, 1977, each hydro-electric commission and public utilities commission in the electrical service areas and Ontario Hydro shall designate those of their employees who were employed in the distribution and supply of power in the electrical service areas on the 1st day of January, 1977, and who continued such employment until the 31st day of December, 1977 or until their transfer dates, as the case may be, and the commissions established by section 2 shall offer employment to the employees so designated.

Transfer of  
employees



Wages or  
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Partici-  
pation in  
O.M.E.R.S.

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* and the regulations under that Act apply to such person as a member of the System.

R.S.O. 1970,  
c. 324

Supple-  
mentary  
agreements

(5) Where a person who accepts employment under this section with a commission established by section 2 is entitled to the benefit of a supplementary agreement between a hydro-electric commission or public utilities commission operating within an electrical service area and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission or public utilities commission.

Transfer of  
pension  
credits from  
Ontario  
Hydro plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension  
guarantee

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit to which he would have been entitled under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1977, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

- (8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

- (9) On or before the 31st day of December, 1979, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section as a term of his employment, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

- (10) A person who accepts employment under this section shall continue to enjoy as a term of his employment the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

- (11) The commissions established by section 2 shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the electrical service areas by public utilities commissions and municipal hydro-electric commissions.

- (12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Special  
circum-  
stances

(13) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

Dissolution  
of existing  
commissions  
1972, c. 105

8. For the purposes of section 178 of *The Regional Municipality of Waterloo Act, 1972*, the 2nd day of January, 1978 is the date determined and designated by the Minister, and on that date the municipal hydro-electric commissions and public utilities commissions referred to therein are dissolved and the by-laws establishing them passed pursuant to section 38 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

R.S.O. 1970,  
c. 390

Regulations

9. The Lieutenant Governor in Council may make regulations,

(a) for the purposes of subsection 8 of section 3 in respect of,

- (i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,
- (ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
- (v) the method of calculating accumulated depreciation or any component of accumulated depreciation,
- (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
- (vii) the method of payment of the price of the facilities;



- (b) for the purposes of subsection 7 of section 7, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

**10.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sub>ment</sub>

**11.** The short title of this Act is *The Waterloo Electrical Service Areas Act, 1977*. <sup>Short title</sup>

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 1977  
 ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*

CLERK  
 LEGISLATIVE ASSEMBLY







Bill 66  
An Act to establish Electrical  
Service Areas in The Regional  
Municipality of Waterloo

---

*1st Reading*

July 8th, 1977

*2nd Reading*

July 12th, 1977

*3rd Reading*

July 12th, 1977

---

THE HON. J. A. TAYLOR  
Minister of Energy

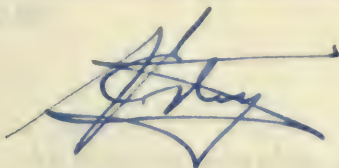
---

# **BILL 56**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---



## **An Act to provide for Municipal Hydro-Electric Service in The Regional Municipality of Peel**

---

THE HON. J. A. TAYLOR  
Minister of Energy

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 56

1977

## An Act to provide for Municipal Hydro-Electric Service in The Regional Municipality of Peel

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "accumulated net retail equity" means the portion of the equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" means the area municipality of the City of Brampton, the Town of Caledon and the City of Mississauga, within the meaning of *The Regional Municipality of Peel Act, 1973*; 1973, c. 60
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "power" means electrical power and includes electrical energy;
- (e) "regulations" means the regulations made under this Act.

2.—(1) On the day this Act comes into force, a hydro-electric commission for each of the City of Brampton, the Town of Caledon and the City of Mississauga is hereby established, and each commission shall be deemed to be a commission established under Part III of *The Public Utilities Act*, and a municipal commission within the meaning of *The Power Corporation Act*. Commissions  
established  
  
R.S.O. 1970,  
cc. 390, 354

Composition (2) The commission for the City of Brampton established by subsection 1 shall be known as the Brampton Hydro-Electric Commission and shall consist of the mayor of the City of Brampton and four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Brampton.

1972, c. 95

Idem (3) The commission for the City of Mississauga established by subsection 1 shall be known as the Mississauga Hydro-Electric Commission and shall consist of the mayor of the City of Mississauga and four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Mississauga.

Idem

(4) The commission for the Town of Caledon established by subsection 1 shall be known as the Caledon Hydro-Electric Commission and shall consist of the mayor of the Town of Caledon and two additional members who are qualified electors under *The Municipal Elections Act, 1972* in the Town of Caledon.

Additional  
members  
of first  
commissions

(5) The additional members of the Brampton Hydro-Electric Commission established by subsection 1 for the term expiring with the 31st day of December, 1978, shall be the two members of the Brampton Hydro-Electric Commission as it exists on the day this Act comes into force, other than the mayor of the City of Brampton, and two other persons appointed by the council of the City of Brampton, of whom at least one shall not be a member of the council.

Idem

(6) The additional members of the Mississauga Hydro-Electric Commission established by subsection 1, for the term expiring with the 31st day of December, 1978, shall be the two members of the Mississauga Hydro-Electric Commission as it exists on the day this Act comes into force, other than the mayor of the City of Mississauga and other than the mayor of the former Town of Mississauga, one member appointed by the council of the City of Mississauga from among the members of the Streetsville Public Utility Commission as it exists on the day this Act comes into force, and one member appointed by the council of the City of Mississauga from among the members of the Port Credit Public Utilities Commission as it exists on the day this Act comes into force.

Idem

(7) The additional members of the Caledon Hydro-Electric Commission established by subsection 1, for the term expiring with the 31st day of December, 1978, shall be the two members of the Bolton Hydro-Electric Commission as it exists on the day this Act comes into force, other than the mayor of the Town of Caledon.



(8) For terms commencing after the 31st day of December, 1978, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1978 the council of the area municipality provides by by-law that the additional members shall be appointed by the council. Additional members of subsequent commissions

(9) Members of the council of an area municipality served by a commission established by subsection 1 may be appointed as members of the commission, but the members of the council shall not form a majority of the commission. Eligibility of members of council

(10) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed. Term of office

(11) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. Delegates

(12) The salaries of the members of the commissions established by subsection 1 for the term expiring with the 31st day of December, 1978 shall be fixed on or before the 1st day of April, 1978 in an amount that does not exceed the highest salary paid to members of hydro-electric commissions and public utilities commissions operating in the Regional Area within the meaning of *The Regional Municipality of Peel Act, 1973* on the 1st day of January, 1977. Salary of first commissions 1973, c. 60

(13) A resignation from the council of a member of a council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the commission and the council. Resignation

**3.—(1)** Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power, shall, on and after the 1st day of January, 1978, be exercised on behalf of the municipalities of the City of Brampton, the Town of Caledon and the City of Mississauga by the commission established by section 2 in respect of that municipality and not by the council of any municipality or any other body. Powers of commissions R.S.O. 1970, c. 390

(2) Subject to subsection 5 and to any subsisting contracts for the supply of power to customers within the meaning of subsection 1 of section 37a of *The Ontario Energy* Idem R.S.O. 1970, c. 312



*Board Act*, on and after the 1st day of January, 1978 each commission established by section 2 has the sole right to supply power within the area municipality in respect of which it is established, and, on behalf of the area municipality, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality, without electoral assent or other approval or authorization and such contract shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*.

R.S.O. 1970,  
c. 284

Where  
Ontario  
Hydro to  
continue  
to supply  
power

(3) Notwithstanding subsection 2, but subject to subsections 10 and 12, Ontario Hydro shall continue to supply power in those areas of the Town of Caledon which it serves on the day this Act comes into force, and subsections 8 and 9 do not apply.

Application  
of  
R.S.O. 1970,  
c. 354

(4) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions established by section 2.

Direct  
customers

(5) With the consent of a commission established by section 2, Ontario Hydro may supply power directly to customers within the municipality in respect of which the commission is established.

Transitional

(6) Such management and control of works for the distribution and supply of power within the municipalities of the City of Brampton and the City of Mississauga as are exercised by hydro-electric commissions, public utilities commissions and Ontario Hydro immediately before this Act comes into force remain entrusted to them to and including the 31st day of December, 1977, but any of the assets, powers and responsibilities of such commissions may by agreement be transferred before that date to a commission established by section 2.

Transfer of  
assets and  
liabilities

(7) On the 1st day of January, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions and public utilities commissions distributing and selling power in the municipality of the City of Brampton, the Town of Caledon and the City of Mississauga, to the extent that they pertain to the distribution and supply of power in the municipality, are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the municipality.

(8) Subject to subsections 3 and 5 and the regulations, each commission established by section 2 shall acquire, on behalf of the area municipality served by the commission, the retail distribution facilities within the municipality used by Ontario Hydro on the 31st day of December, 1977 in the retail distribution of power, including equipment leased by Ontario Hydro to retail customers within the municipality for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Purchase  
of retail  
distribution  
facilities  
from  
Ontario  
Hydro

(9) If the price of the facilities referred to in subsection 8 has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to *The Arbitrations Act* in accordance with subsection 8 and the regulations and the decision of the arbitrator shall not be subject to appeal.

Where  
price to be  
determined  
by  
arbitration  
R.S.O. 1970,  
c. 26

(10) The council of the Town of Caledon may by by-law direct the Caledon Hydro-Electric Commission to commence the distribution and supply of power, on a day specified by the council, in all areas of Caledon supplied with power by Ontario Hydro pursuant to subsection 3, and on the day specified, subsections 8 and 9 and section 6 apply with necessary modifications.

Power of  
council to  
direct supply  
of power by  
Caledon  
Hydro-  
Electric  
Commission

(11) Until such time as the power conferred by subsection 10 has been exercised, the council of the Town of Caledon shall review the distribution and supply of power within the Town of Caledon at least once in every three calendar years, and shall determine by resolution whether the power conferred by subsection 10 should be exercised.

Review  
by council

(12) If, in the course of a review referred to in subsection 11, the council of the Town of Caledon determines, in accordance with the regulations, that it is financially feasible for the Caledon Hydro-Electric Commission to distribute and supply power in the entire Town of Caledon, the council shall exercise the power conferred by subsection 10.

When  
council to  
exercise  
power

4.—(1) All real property transferred pursuant to section 3 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission, shall be vested in the area municipality served by the commission.

Vesting  
of real  
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real

Disposition  
of real  
property



property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to retain the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater and the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the area municipality served by the commission does not wish to retain the real property in accordance with paragraph 1, the area municipality shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,  
c. 390

Borrowing  
1973, c. 60

5. Except as otherwise provided in this Act, sections 91 to 113 of *The Regional Municipality of Peel Act, 1973* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Interpre-  
tation

- 6.—(1) In this section, "transfer date", when used in respect of an employee of a public utilities commission, hydro-electric commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Transfer of  
employees

- (2) On or before the 31st day of December, 1977, each hydro-electric commission and public utilities commission in the municipalities of the City of Brampton and the City of Mississauga and Ontario Hydro shall designate those of their employees who were employed in the distribution and supply of power in the municipalities on the 1st day of January, 1977, and who continued such employment until the 31st day of December, 1977 or until their transfer dates, as the case may be, and the commissions established by

section 2 in respect of those municipalities shall offer employment to the employees so designated.

(3) On or before the 31st day of December, 1977 the <sup>Idem</sup> Caledon Hydro-Electric Commission shall offer employment to each employee employed in the distribution and supply of power by the Bolton Hydro-Electric Commission on the 1st day of January, 1977, who continued such employment until the 31st day of December, 1977 or until his transfer date, as the case may be.

(4) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date. <sup>Wages or salaries</sup>

(5) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* <sup>Participation in O.M.E.R.S.</sup> <sup>R.S.O. 1970, c. 324</sup> applies to such person as a member of the System.

(6) Where a person who accepts employment under this section with a commission established by section 2 is entitled to the benefit of a supplementary agreement between a hydro-electric commission or public utilities commission operating within an area municipality and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission or public utilities commission. <sup>Supplementary agreements</sup>

(7) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service <sup>Transfer of pension credits from Ontario Hydro plan</sup>



for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension  
guarantee

(8) Notwithstanding subsection 5, a person who accepts employment under this section with a commission established by section 2 and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit to which he would have been entitled under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1977, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 5 shall be apportioned and paid as provided by the regulations.

Group life  
insurance

(9) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(10) On or before the 31st day of December, 1979, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the employee was entitled immediately before his transfer date.

Sick  
leave

(11) A person who accepts employment under this section shall continue to enjoy as a term of his employment the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

(12) The commissions established by section 2 shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the area municipalities by public utilities commissions and municipal hydro-electric commissions. Life insurance provided to pensioners

(13) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination for cause

(14) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. Special circumstances

7. For the purposes of section 135 of *The Regional Municipality of Peel Act, 1973*, the 1st day of January, 1978 is the date determined by the Minister in respect of the area within the municipalities of the City of Brampton, the Town of Caledon and the City of Mississauga, and on that date the municipal hydro-electric commissions and public utilities commissions supplying electrical power and energy in that area are dissolved and the by-laws establishing them passed pursuant to section 38 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. Dissolution of existing commissions 1973, c. 60 R.S.O. 1970, c. 390

8. The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purposes of subsection 8 of section 3 in respect of,

- (i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,
- (ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

- (v) the method of calculating accumulated depreciation or any component of accumulated depreciation,
- (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
- (vii) the method of payment of the price of the facilities;
- (b) for the purposes of subsection 12 of section 3, in respect of criteria to determine financial feasibility for the distribution and supply of power;
- (c) for the purposes of subsection 8 of section 6, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** The short title of this Act is *The Peel Municipal Hydro-Electric Service Act, 1977*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE July 12 19

ASSEMBLY PROROGUED December 16 19

*Roderick Lewis*  
CLERK

LEGISLATIVE ASSEMBLY









An Act to provide for Municipal Hydro-  
Electric Service in The Regional Municipality of Peel

---

*1st Reading*

July 8th, 1977

*2nd Reading*

July 12th, 1977

*3rd Reading*

July 12th, 1977

---

THE HON. J. A. TAYLOR  
Minister of Energy

---

*S. Pauline G. G. S. Hon*  
**BILL 60**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to reform the Law respecting  
Succession to the Estates of Deceased Persons**

---

THE HON. R. MCMURTRY  
Attorney General

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 60

1977

## An Act to reform the Law respecting Succession to the Estates of Deceased Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation

- (a) "child" means a child born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relate to the effect of adoption), and includes a child conceived before and born alive after the death of the parent; R.S.O. 1970,  
c. 64
- (b) "grandchild" means the child of a child;
- (c) "issue" means any lineal descendant of a person, whether born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relate to the effect of adoption), and includes issue conceived before and born alive after the death of the person;
- (d) "parent" means the father or mother of a child;
- (e) "personal representative" means an executor, an administrator or an administrator with will annexed;
- (f) "property" means real or personal property;
- (g) "will" includes,
  - (i) a testament,
  - (ii) a codicil,
  - (iii) an appointment by will or by writing in the nature of a will in exercise of a power, and
  - (iv) any other testamentary disposition. R.S.O. 1970, c. 499, s. 1, *amended*.

Relationship  
of persons  
born  
outside  
marriage

(2) In this Act, and in any will unless a contrary intention is shown in the will, a reference to a person in terms of a relationship to another person determined by blood or marriage shall be deemed to include a person who comes within the description notwithstanding that he or any other person through whom the relationship is traced was born outside marriage.

Application  
of subs. 2

(3) Subsection 2 applies in respect of wills made on or after the 31st day of March, 1978. *New.*

## PART I

### TESTATE SUCCESSION

#### GENERAL

Power to  
dispose of  
property  
by will

**2.** A person may by will devise, bequeath or dispose of all property (whether acquired before or after making his will) to which at the time of his death he is entitled either at law or in equity, including,

(a) estates *pur autre vie*, whether there is or is not a special occupant and whether they are corporeal or incorporeal hereditaments;

(b) contingent, executory or other future interests in property, whether the testator is or is not ascertained as the person or one of the persons in whom those interests may respectively become vested, and whether he is entitled to them under the instrument by which they were respectively created or under a disposition of them by deed or will; and

(c) rights of entry, whether for conditions broken or otherwise. R.S.O. 1970, c. 499, s. 8, *amended.*

Will to be  
in writing

**3.** A will is valid only when it is in writing. R.S.O. 1970, c. 499, s. 11 (1), *part.*

Execution

**4.—(1)** Subject to sections 5 and 6, a will is not valid unless,

(a) at its end it is signed by the testator or by some other person in his presence and by his direction;

- (b) the testator makes or acknowledges the signature in the presence of two or more attesting witnesses present at the same time; and
- (c) two or more of the attesting witnesses subscribe the will in the presence of the testator.

(2) Where witnesses are required by this section, no form of attestation is necessary. R.S.O. 1970, c. 499, s. 11 (1), *part, amended.*

5.—(1) A person who is,

- (a) a member of the Canadian Forces placed on active service pursuant to the *National Defence Act* (Canada);
- (b) a member of any other naval, land or air force while on active service; or
- (c) a mariner or seaman when at sea or in the course of a voyage,

Will of  
member  
of forces  
on active  
service  
R.S.C. 1970,  
c. N-4

may make a will by a writing signed by him or by some other person in his presence and by his direction without any further formality or any requirement of the presence of or attestation or signature by a witness. R.S.O. 1970, c. 499, s. 13 (1, 3).

(2) For the purpose of this section, a certificate purporting to be signed by or on behalf of an officer having custody of the records certifying that he has custody of the records of the force in which a person was serving at the time the will was made, setting out that the person was on active service at that time, is *prima facie* evidence of that fact.

(3) For the purposes of this section, if a certificate under subsection 2 is not available, a member of a naval, land or air force is deemed to be on active service after he has taken steps under the orders of a superior officer preparatory to serving with or being attached to or seconded to a component of such a force that has been placed on active service. *New.*

6. A testator may make a valid will wholly by his own handwriting and signature, without formality, and without the presence, attestation or signature of a witness. *New.*

7.—(1) In so far as the position of the signature is concerned, a will, whether holograph or not, is valid if the

Holograph  
wills

Position of  
signature



signature of the testator made either by him or the person signing for him is placed at, after, following, under or beside or opposite to the end of the will so that it is apparent on the face of the will that the testator intended to give effect by the signature to the writing signed as his will.

*Idem*

(2) A will is not rendered invalid by the circumstance that,

- (a) the signature does not follow or is not immediately after the end of the will;
- (b) a blank space intervenes between the concluding words of the will and the signature;
- (c) the signature,
  - (i) is placed among the words of a testimonium clause or of a clause of attestation,
  - (ii) follows or is after or under a clause of attestation either with or without a blank space intervening, or
  - (iii) follows or is after, under or beside the name of a subscribing witness;
- (d) the signature is on a side, page or other portion of the paper or papers containing the will on which no clause, paragraph or disposing part of the will is written above the signature; or
- (e) there appears to be sufficient space on or at the bottom of the preceding side, page or other portion of the same paper on which the will is written to contain the signature.

*Idem*

(3) The generality of subsection 1 is not restricted by the enumeration of circumstances set out in subsection 2, but a signature in conformity with section 4, 5 or 6 or this section does not give effect to,

- (a) a disposition or direction that is underneath the signature or that follows the signature; or
- (b) a disposition or direction inserted after the signature was made. R.S.O. 1970, c. 499, s. 11 (2), *amended*.

8.—(1) A will made by a person who is under the age of <sup>Wills by minors</sup> eighteen years is not valid unless at the time of making the will the person,

(a) is or has been married;

(b) is contemplating marriage and the will states that it is made in contemplation of marriage to a named person except that such a will is not valid unless and until the marriage to the named person takes place;

(c) is a member of a component of the Canadian Forces,

(i) that is referred to in the *National Defence Act* <sup>R.S.C. 1970, c. N-4</sup> (Canada) as a regular force, or

(ii) while placed on active service under the *National Defence Act* (Canada); or

(d) is a mariner or seaman and at sea or in the course of a voyage.

(2) A certificate purporting to be signed by or on behalf of <sup>Certificate of active service</sup> an officer having custody of the records certifying that he has custody of the records of the force in which a person was serving at the time the will was made, setting out that the person was at that time a member of a regular force or was on active service within clause c of subsection 1, is *prima facie* evidence of that fact.

(3) A person who has made a will under subsection 1 may, <sup>Revocation</sup> while under the age of eighteen years, revoke the will. R.S.O. 1970, c. 499, ss. 10, 13 (2), *amended*.

9. No appointment made by will in exercise of any power <sup>Exercise of appointments by will</sup> is valid unless the appointment is executed in the manner hereinbefore required, and every will executed in the manner hereinbefore required is, so far as respects the execution and attestation thereof, a valid execution of a power of appointment by will, notwithstanding it has been expressly required that a will made in exercise of such power shall be executed with some additional or other form of execution or solemnity. R.S.O. 1970, c. 499, s. 12.

10. A will made in accordance with this Part is valid <sup>Publication unnecessary</sup> without other publication. R.S.O. 1970, c. 499, s. 14, *amended*.

Effect of  
incompetency  
of witness

**11.** Where a person who attested a will was at the time of its execution or afterward has become incompetent as a witness to prove its execution, the will is not on that account invalid. R.S.O. 1970, c. 499, s. 15, *amended*.

Requests  
to witness  
void

**12.—(1)** Where a will is attested by a person to whom or to whose then spouse a beneficial devise, bequest or other disposition or appointment of or affecting property, except charges and directions for payment of debts, is thereby given or made, the devise, bequest or other disposition or appointment is void so far only as it concerns,

- (a) the person so attesting;
- (b) the spouse; or
- (c) a person claiming under either of them,

but the person so attesting is a competent witness to prove the execution of the will or its validity or invalidity. R.S.O. 1970, c. 499, s. 16, *part, amended*.

Where will  
signed for  
testator by  
another  
person

(2) Where a will is signed for the testator by another person in accordance with section 4, to whom or to whose then spouse a beneficial devise, bequest or other disposition or appointment of or affecting property, except charges and directions for payment of debts, is thereby given or made, the devise, bequest, or other disposition is void so far only as it concerns,

- (a) the person so signing;
- (b) the spouse; or
- (c) a person claiming under either of them,

but the will is not invalid for that reason.

Where no  
undue  
influence

(3) Notwithstanding anything in this section, where a surrogate court is satisfied that neither the person so attesting or signing for the testator nor the spouse exercised any improper or undue influence upon the testator, the devise, bequest or other disposition or appointment is not void. *New*.

Exception

(4) Where a will is attested by at least two persons who are not within subsection 1 or where no attestation is necessary, the devise, bequest or other disposition or appointment is not void under that subsection. R.S.O. 1970, c. 499, s. 16, *part, amended*.



**13.** Where property is charged by a will with a debt and a creditor or the spouse of a creditor whose debt is so charged attests a will, the person so attesting, notwithstanding the charge, is a competent witness to prove the execution of the will or its validity or invalidity. R.S.O. 1970, c. 499, s. 17, *amended*. Creditor  
as witness

**14.** A person is not incompetent as a witness to prove the execution of a will or its validity or invalidity solely because he is an executor. R.S.O. 1970, c. 499, s. 18, *amended*. Executor  
as witness

**15.** A will or part of a will is revoked only by, Revocation

- (a) marriage, subject to section 16;
- (b) another will made in accordance with the provisions of this Part;
- (c) a writing,
  - (i) declaring an intention to revoke, and
  - (ii) made in accordance with the provisions of this Part governing making of a will; or
- (d) burning, tearing or otherwise destroying it by the testator or by some person in his presence and by his direction with the intention of revoking it. R.S.O. 1970, c. 499, s. 22, *amended*.

**16.** A will is revoked by the marriage of the testator except where, Revocation  
by marriage

- (a) there is a declaration in the will that it is made in contemplation of the marriage;
- (b) the spouse of the testator elects to take under the will, by an instrument in writing signed by the spouse and filed within one year after the testator's death in the office of the Surrogate Clerk for Ontario; or
- (c) the will is made in exercise of a power of appointment of property which would not in default of the appointment pass to the heir, executor or administrator of the testator or to the persons entitled to the estate of the testator if he died intestate. R.S.O. 1970, c. 499, s. 20, *amended*.



Change in  
circum-  
stances

**17.**—(1) Subject to subsection 2, a will is not revoked by presumption of an intention to revoke it on the ground of a change in circumstances. R.S.O. 1970, c. 499, s. 21, *amended*.

Exception on  
termination  
of marriage

(2) Except when a contrary intention appears by the will, where, after the testator makes a will, his marriage is terminated by a judgment absolute of divorce or is declared a nullity,

- (a) a devise or bequest of a beneficial interest in property to his former spouse;
- (b) an appointment of his former spouse as executor or trustee; and
- (c) the conferring of a general or special power of appointment on his former spouse,

are revoked and the will shall be construed as if the former spouse had predeceased the testator. *New*.

Alterations  
in will

**18.**—(1) Subject to subsection 2, unless an alteration that is made in a will after the will has been made is made in accordance with the provisions of this Part governing making of the will, the alteration has no effect except to invalidate words or the effect of the will that it renders no longer apparent.

How  
validly  
made

(2) An alteration that is made in a will after the will has been made is validly made when the signature of the testator and subscription of witnesses to the signature of the testator to the alteration, or, in the case of a will that was made under section 5 or 6, the signature of the testator, are or is made,

- (a) in the margin or in some other part of the will opposite or near to the alteration; or
- (b) at the end of or opposite to a memorandum referring to the alteration and written in some part of the will. R.S.O. 1970, c. 499, s. 23, *amended*.

Revival

**19.**—(1) A will or part of a will that has been in any manner revoked is revived only,

- (a) by a will made in accordance with the provisions of this Part; or
- (b) by a codicil that has been made in accordance with the provisions of this Part,

that shows an intention to give effect to the will or part that was revoked, or,

- (c) by re-execution thereof with the required formalities, if any.

(2) Except when a contrary intention is shown, when a will which has been partly revoked and afterward wholly revoked is revived, the revival does not extend to the part that was revoked before the revocation of the whole. R.S.O. 1970, c. 499, s. 24, *amended*. As to part formerly revoked

**20.**—(1) A conveyance of or other act relating to property that is the subject of a devise, bequest or other disposition, made or done after the making of a will, does not prevent operation of the will with respect to any estate or interest in the property that the testator had power to dispose of by will at the time of his death. R.S.O. 1970, c. 499, s. 25, *amended*. Operation of will as to interest left in testator

(2) Except when a contrary intention appears by the will, where a testator at the time of his death, Rights in place of property devised

- (a) has a right, chose in action or equitable estate or interest that was created by a contract respecting a conveyance of, or other act relating to, property that was the subject of a devise or bequest, made before or after the making of a will;
- (b) has a right to receive the proceeds of a policy of insurance covering loss of or damage to property that was the subject of a devise or bequest, whether the loss or damage occurred before or after the making of the will;
- (c) has a right to receive compensation for the expropriation of property that was the subject of a devise or bequest, whether the expropriation occurred before or after the making of the will; or
- (d) has a mortgage, charge or other security interest in property that was the subject of a devise or bequest, taken by the testator on the sale of such property, whether such mortgage, charge or other security interest was taken before or after the making of the will,

the devisee or donee of that property takes the right, chose in action, equitable estate or interest, right to insurance proceeds or compensation, or mortgage, charge or other security interest of the testator. *New.*

When revived  
will deemed  
made

**21.** When a will has been revived in the manner described in section 19, the will shall be deemed to have been made at the time at which it was so revived. R.S.O. 1970, c. 499, s. 19 (10), *amended*.

Will to speak  
from death

**22.** Except when a contrary intention appears by the will, a will speaks and takes effect as if it had been made immediately before the death of the testator with respect to,

- (a) the property of the testator; and
- (b) the right, chose in action, equitable estate or interest, right to insurance proceeds or compensation, or mortgage, charge or other security interest of the testator under subsection 2 of section 20. R.S.O. 1970, c. 499, s. 26 (1), *amended*.

Disposition  
of property  
in void  
devise

**23.** Except when a contrary intention appears by the will, property or an interest therein that is comprised or intended to be comprised in a devise or bequest that fails or becomes void by reason of,

- (a) the death of the devisee or donee in the lifetime of the testator; or
- (b) the devise or bequest being disclaimed or being contrary to law or otherwise incapable of taking effect,

is included in the residuary devise or bequest, if any, contained in the will. R.S.O. 1970, c. 499, s. 27, *amended*.

Leasehold  
estates under  
devise of real  
property

**24.** Except when a contrary intention appears by the will, where a testator devises,

- (a) his real property;
- (b) his real property in a place mentioned in the will, or in the occupation of a person mentioned in the will;
- (c) real property described in a general manner; or
- (d) real property described in a manner that would include a leasehold estate if the testator had no freehold estate which could be described in the manner used,

the devise includes the leasehold estates of the testator or any of them to which the description extends, as well as freehold estates. R.S.O. 1970, c. 499, s. 28, *amended*.



**25.**—(1) Except when a contrary intention appears by the will, a general devise of,

Disposition of real property over which testator has power of appointment under devise

(a) the real property of the testator;

(b) the real property of the testator,

(i) in a place mentioned in the will, or

(ii) in the occupation of a person mentioned in the will; or

(c) real property described in a general manner,

includes any real property, or any real property to which the description extends, which he has power to appoint in any manner he thinks proper and operates as an execution of the power.

(2) Except when a contrary intention appears by the will, a bequest of,

Disposition of personal property over which testator has power of appointment under bequest

(a) the personal property of the testator; or

(b) personal property described in a general manner,

includes any personal property, or any personal property to which the description extends, which he has power to appoint in any manner he thinks proper and operates as an execution of the power. R.S.O. 1970, c. 499, s. 29, *amended*.

**26.** Except when a contrary intention appears by the will, where real property is devised to a person without words of limitation, the devise passes the fee simple or the whole of any other estate or interest that the testator had power to dispose of by will in the real property. R.S.O. 1970, c. 499, s. 30, *amended*.

Real property passing under devise without words of limitation

**27.** Except when a contrary intention appears by the will, where property is devised or bequeathed to the "heir" or "heirs" of the testator or of another person, the words "heir" or "heirs" mean the person to whom the beneficial interest in the property would have gone under the law of Ontario if the testator or the other person died intestate. R.S.O. 1970, c. 499, s. 31, *amended*.

Meaning of "heir" in devise of property

**28.**—(1) Subject to subsection 2, in a devise or bequest of property,

Import of words "die without issue", etc.

(a) the words,

(i) "die without issue",



(ii) "die without leaving issue", or

(iii) "have no issue"; or

- (b) other words importing either a want or failure of issue of a person in his lifetime or at the time of his death or an indefinite failure of his issue,

mean a want or failure of issue in the lifetime or at the time of death of that person, and do not mean an indefinite failure of his issue unless a contrary intention appears by the will.

Cases to  
which Part  
not to  
extend

(2) This Part does not extend to cases where the words defined in subsection 1 import,

(a) if no issue described in a preceding gift be born; or

(b) if there be no issue who live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to that issue.  
R.S.O. 1970, c. 499, s. 32, *amended*.

Devise to  
trustee or  
executor

**29.** Except when there is devised to a trustee expressly or by implication an estate for a definite term of years absolute or determinable or an estate of freehold, a devise of real property to a trustee or executor passes the fee simple or the whole of any other estate or interest that the testator had power to dispose of by will in the real property. R.S.O. 1970, c. 499, s. 33, *amended*.

When devise  
to trustee to  
pass whole  
estate  
beyond what  
is requisite  
for trust

**30.** Where real property is devised to a trustee without express limitation of the estate to be taken by him and the beneficial interest in the real property or in the surplus rents and profits,

(a) is not given to a person for life; or

(b) is given to a person for life but the purpose of the trust may continue beyond his life,

the devise vests in the trustee the fee simple or the whole of any other legal estate that the testator had power to dispose of by will in the real property and not an estate determinable when the purposes of the trust are satisfied. R.S.O. 1970, c. 499, s. 34, *amended*.

Sub-  
stititutional  
gifts

**31.** Except when a contrary intention appears by the will, where a devise or bequest is made to a child, grandchild, brother or sister of the testator who dies before the testator, either before or after the testator makes his will,

and leaves a spouse or issue surviving the testator, the devise or bequest does not lapse but takes effect as if it had been made directly to the persons among whom and in the shares in which the estate of that person would have been divisible,

- (a) if that person had died immediately after the death of the testator;
- (b) if that person had died intestate;
- (c) if that person had died without debts; and
- (d) if section 46 had not been passed. R.S.O. 1970, c. 499, s. 36, *amended*.

**32.**—(1) Where a person dies possessed of, or entitled to, or under a general power of appointment by his will disposes of, an interest in freehold or leasehold property which, at the time of his death, is subject to a mortgage, and the deceased has not, by will, deed or other document, signified a contrary or other intention,

Primary liability of real property to satisfy mortgage

- (a) the interest is, as between the different persons claiming through the deceased, primarily liable for the payment or satisfaction of the mortgage debt; and
- (b) every part of the interest, according to its value, bears a proportionate part of the mortgage debt on the whole interest.

(2) A testator does not signify a contrary or other intention within subsection 1 by

Consequence of general direction to pay debts out of personalty or residue

- (a) a general direction for the payment of debts or of all the debts of the testator out of his personal estate, his residuary real or personal estate or his residuary real estate; or
- (b) a charge of debts upon that estate,

unless he further signifies that intention by words expressly or by necessary implication referring to all or some part of the mortgage debt.

(3) Nothing in this section affects a right of a person entitled to the mortgage debt to obtain payment or satisfaction either out of the other assets of the deceased or otherwise.

Saving of mortgagee's rights

**Interpre-  
tation**

(4) In this section, "mortgage" includes an equitable mortgage, and any charge whatsoever, whether equitable, statutory or of other nature, including a lien or claim upon freehold or leasehold property for unpaid purchase money, and "mortgage debt" has a meaning similarly extended. R.S.O. 1970, c. 499, s. 37, *amended*.

**Undisposed  
of residue**

**33.**—(1) Where a person dies having by will appointed a person executor, the executor is a trustee of any residue not expressly disposed of, for the person or persons, if any, who would be entitled to that residue in the event of intestacy in respect of it, unless it appears by the will that the person so appointed executor was intended to take the residue beneficially.

**Where no  
person  
entitled  
to residue**

(2) Nothing in this section prejudices any right in respect of any residue not expressly disposed of to which, if this Part had not been passed, an executor would have been entitled where there is not any person who would be entitled to the testator's estate under Part II in case of an intestacy. R.S.O. 1970, c. 470, s. 55, *amended*.

**CONFLICT OF LAWS****Interpre-  
tation**

**34.** In sections 36 to 41,

- (a) an interest in land includes a leasehold estate as well as a freehold estate in land, and any other estate or interest in land whether the estate or interest is real property or is personal property;
- (b) an interest in movables includes an interest in a tangible or intangible thing other than land, and includes personal property other than an estate or interest in land; R.S.O. 1970, c. 499, s. 19 (1).
- (c) "internal law" in relation to any place excludes the choice of law rules of that place. *New*.

**Wills made  
in or out  
of Ontario**

**35.** Sections 36 to 41 apply to a will made either in or out of Ontario. R.S.O. 1970, c. 499, s. 19 (4), *amended*.

**Formalities,  
re interests  
in land**

**36.**—(1) The manner and formalities of making a will, and its essential validity and effect, so far as it relates to an interest in land, are governed by the internal law of the place where the land is situated.



(2) Subject to other provisions of this Part, the manner and formalities of making a will, and its essential validity and effect, so far as it relates to an interest in movables, are governed by the internal law of the place where the testator was domiciled at the time of his death. R.S.O. 1970, c. 499, s. 19 (2, 3), *amended*.

**37.**—(1) As regards the manner and formalities of making a will of an interest in movables or in land, a will is valid and admissible to probate if at the time of its making it complied with the internal law of the place where,

- (a) the will was made;
- (b) the testator was then domiciled;
- (c) the testator then had his habitual residence; or
- (d) the testator then was a national if there was in that place one body of law governing the wills of nationals. R.S.O. 1970, c. 499, s. 19 (4), *amended*.

(2) As regards the manner and formalities of making a will of an interest in movables or in land, the following are properly made,

- (a) a will made on board a vessel or aircraft of any description, if the making of the will conformed to the internal law in force in the place with which, having regard to its registration (if any) and other relevant circumstances, the vessel or aircraft may be taken to have been most closely connected;
- (b) a will so far as it revokes a will which under sections 34 to 42 would be treated as properly made or revokes a provision which under those sections would be treated as comprised in a properly made will, if the making of the later will conformed to any law by reference to which the revoked will or provision would be treated as properly made; and
- (c) a will so far as it exercises a power of appointment, if the making of the will conforms to the law governing the essential validity of the power. *New*.

**38.** A change of domicile of the testator occurring after a will is made does not render it invalid as regards the



manner and formalities of its making or alter its construction. R.S.O. 1970, c. 499, s. 19 (5).

Construction  
of will

**39.** Nothing in sections 34 to 42 precludes resort to the law of the place where the testator was domiciled at the time of making a will in aid of its construction as regards an interest in land or an interest in movables. R.S.O. 1970, c. 499, s. 19 (6).

Movables  
used in  
relation  
to land

**40.** Where the value of a thing that is movable consists mainly or entirely in its use in connection with a particular parcel of land by the owner or occupier of the land, succession to an interest in the thing under a will is governed by the law that governs succession to the interest in the land. R.S.O. 1970, c. 499, s. 19 (7), *amended*.

Where law  
outside  
Ontario to be  
applied to  
will

**41.**—(1) Where, whether under sections 34 to 42 or not, a law in force outside Ontario is to be applied in relation to a will, any requirement of that law that,

(a) special formalities are to be observed by testators answering a particular description; or

(b) witnesses to the making of a will are to possess certain qualifications,

shall be treated, notwithstanding any rule of that law to the contrary, as a formal requirement only.

Formal  
requirements  
of law

(2) In determining for the purposes of sections 34 to 40 whether or not the making of a will conforms to a particular law, regard shall be had to the formal requirements of that law at the time the will was made, but account shall be taken of an alteration of law affecting wills made at that time if the alteration enables the will to be treated as properly made. *New*.

#### INTERNATIONAL WILLS

Effective  
date

**42.**—(1) In this section,

(a) "convention" means the convention providing a uniform law on the form of international will, a copy of which is set out in the Schedule to this section;

(b) "effective date" means the later of,

(i) the day on which, in accordance with Article XI of the convention, the convention enters into force, or

- (ii) the day that is six months after the date on which the Government of Canada submits to the Depositary Government under the convention a declaration that the convention extends to Ontario.

(2) On, from and after the effective date the convention is in force in Ontario and applies to wills as law of Ontario and the rules regarding an international will set out in the Annex to the convention are law in Ontario.

Convention  
on form of  
international  
will

(3) All members of the Law Society of Upper Canada, other than student members, are designated as persons authorized to act in connection with international wills.

Persons  
authorized  
under  
convention

(4) Nothing in this section detracts from or affects the validity of a will that is valid under the laws in force in Ontario other than this section.

Validity  
of wills  
under other  
laws

(5) The Attorney General shall request the Government of Canada to submit a declaration to the Depositary Government under the convention, declaring that the convention extends to Ontario.

Accession  
to convention

(6) As soon as the effective date is determined, the Attorney General shall publish in *The Ontario Gazette* a notice indicating the date that is the effective date for the purposes of this section.

Notice of  
effective  
date

## SCHEDULE

### Convention Providing a Uniform Law on The Form of an International Will

The States signatory to the present Convention,

DESIRING to provide to a greater extent for the respecting of last wills by establishing an additional form of will hereinafter to be called an "international will" which, if employed, would dispense to some extent with the search for the applicable law;

HAVE RESOLVED to conclude a Convention for this purpose and have agreed upon the following provisions:

## Article I

1. Each Contracting Party undertakes that not later than six months after the date of entry into force of this Convention in respect of that Party it shall introduce into its law the rules regarding an international will set out in the Annex to this Convention.

2. Each Contracting Party may introduce the provisions of the Annex into its law either by reproducing the actual text, or by translating it into its official language or languages.

3. Each Contracting Party may introduce into its law such further provisions as are necessary to give the provisions of the Annex full effect in its territory.

4. Each Contracting Party shall submit to the Depositary Government the text of the rules introduced into its national law in order to implement the provisions of this Convention.

## Article II

1. Each Contracting Party shall implement the provisions of the Annex in its law, within the period provided for in the preceding article, by designating the persons who, in its territory, shall be authorized to act in connection with international wills. It may also designate as a person authorized to act with regard to its nationals its diplomatic or consular agents abroad in so far as the local law does not prohibit it.

2. The Party shall notify such designation, as well as any modifications thereof, to the Depositary Government.

## Article III

The capacity of the authorized person to act in connection with an international will, if conferred in accordance with the law of a Contracting Party, shall be recognized in the territory of the other Contracting Parties.

## Article IV

The effectiveness of the certificate provided for in Article 10 of the Annex shall be recognized in the territories of all Contracting Parties.

## Article V

1. The conditions requisite to acting as a witness of an international will shall be governed by the law under which the authorized person was designated. The same rule shall apply as regards an interpreter who is called upon to act.

2. Nonetheless no one shall be disqualified to act as a witness of an international will solely because he is an alien.

## Article VI

1. The signature of the testator, of the authorized person, and of the witnesses to an international will, whether on the will or on the certificate, shall be exempt from any legalization or like formality.

2. Nonetheless, the competent authorities of any Contracting Party may, if necessary, satisfy themselves as to the authenticity of the signature of the authorized person.



Article VII

The safekeeping of an international will shall be governed by the law under which the authorized person was designated.

Article VIII

No reservation shall be admitted to this Convention or to its Annex.

Article IX

1. The present Convention shall be open for signature at Washington from October 26, 1973, until December 31, 1974.

2. The Convention shall be subject to ratification.

3. Instruments of ratification shall be deposited with the Government of the United States of America, which shall be the Depositary Government.

Article X

1. The Convention shall be open indefinitely for accession.

2. Instruments of accession shall be deposited with the Depositary Government.

Article XI

1. The present Convention shall enter into force six months after the date of deposit of the fifth instrument of ratification or accession with the Depositary Government.

2. In the case of each State which ratifies this Convention or accedes to it after the fifth instrument of ratification or accession has been deposited, this Convention shall enter into force six months after the deposit of its own instrument of ratification or accession.

Article XII

1. Any Contracting Party may denounce this Convention by written notification to the Depositary Government.

2. Such denunciation shall take effect twelve months from the date on which the Depositary Government has received the notification, but such denunciation shall not affect the validity of any will made during the period that the Convention was in effect for the denouncing State.

Article XIII

1. Any State may, when it deposits its instrument of ratification or accession or at any time thereafter, declare, by a notice addressed to the Depositary Government, that this Convention shall apply to all or part of the territories for the international relations of which it is responsible.

2. Such declaration shall have effect six months after the date on which the Depositary Government shall have received notice thereof or, if at the end of such period the Convention has not yet come into force, from the date of its entry into force.

3. Each Contracting Party which has made a declaration in accordance with paragraph 1 of this Article may, in accordance with Article XII,



denounce this Convention in relation to all or part of the territories concerned.

#### Article XIV

1. If a State has two or more territorial units in which different systems of law apply in relation to matters respecting the form of wills, it may at the time of signature, ratification, or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them, and may modify its declaration by submitting another declaration at any time.

2. These declarations shall be notified to the Depositary Government and shall state expressly the territorial units to which the Convention applies.

#### Article XV

If a Contracting Party has two or more territorial units in which different systems of law apply in relation to matters respecting the form of wills, any reference to the internal law of the place where the will is made or to the law under which the authorized person has been appointed to act in connection with international wills shall be construed in accordance with the constitutional system of the Party concerned.

#### Article XVI

1. The original of the present Convention, in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each of the signatory and acceding States and to the International Institute for the Unification of Private Law.

2. The Depositary Government shall give notice to the signatory and acceding States, and to the International Institute for the Unification of Private Law, of:

- (a) any signature;
- (b) the deposit of any instrument of ratification or accession;
- (c) any date on which this Convention enters into force in accordance with Article XI;
- (d) any communication received in accordance with Article I, paragraph 4;
- (e) any notice received in accordance with Article II, paragraph 2;
- (f) any declaration received in accordance with Article XIII, paragraph 2, and the date on which such declaration takes effect;
- (g) any denunciation received in accordance with Article XII, paragraph 1, or Article XIII, paragraph 3, and the date on which the denunciation takes effect;
- (h) any declaration received in accordance with Article XIV, paragraph 2, and the date on which the declaration takes effect.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

DONE at Washington this twenty-sixth day of October, one thousand nine hundred and seventy-three.

# ANNEX

## Uniform Law on the Form of an International Will

### Article 1

1. A will shall be valid as regards form, irrespective particularly of the place where it is made, of the location of the assets and of the nationality, domicile or residence of the testator, if it is made in the form of an international will complying with the provisions set out in Articles 2 to 5 hereinafter.

2. The invalidity of the will as an international will shall not affect its formal validity as a will of another kind.

### Article 2

This law shall not apply to the form of testamentary dispositions made by two or more persons in one instrument.

### Article 3

1. The will shall be made in writing.
2. It need not be written by the testator himself.
3. It may be written in any language, by hand or by any other means.

### Article 4

1. The testator shall declare in the presence of two witnesses and of a person authorized to act in connection with international wills that the document is his will and that he knows the contents thereof.

2. The testator need not inform the witnesses, or the authorized person, of the contents of the will.

### Article 5

1. In the presence of the witnesses and of the authorized person, the testator shall sign the will or, if he has previously signed it, shall acknowledge his signature.

2. When the testator is unable to sign, he shall indicate the reason therefor to the authorized person who shall make note of this on the will. Moreover, the testator may be authorized by the law under which the authorized person was designated to direct another person to sign on his behalf.

3. The witnesses and the authorized person shall there and then attest the will by signing in the presence of the testator.

### Article 6

1. The signatures shall be placed at the end of the will.
2. If the will consists of several sheets, each sheet shall be signed by the testator or, if he is unable to sign, by the person signing on his behalf or,

if there is no such person, by the authorized person. In addition, each sheet shall be numbered.

#### Article 7

1. The date of the will shall be the date of its signature by the authorized person.

2. This date shall be noted at the end of the will by the authorized person.

#### Article 8

In the absence of any mandatory rule pertaining to the safekeeping of the will, the authorized person shall ask the testator whether he wishes to make a declaration concerning the safekeeping of his will. If so and at the express request of the testator the place where he intends to have his will kept shall be mentioned in the certificate provided for in Article 9.

#### Article 9

The authorized person shall attach to the will a certificate in the form prescribed in Article 10 establishing that the obligations of this law have been complied with.

#### Article 10

The certificate drawn up by the authorized person shall be in the following form or in a substantially similar form:

#### CERTIFICATE

(Convention of October 26, 1973)

1. I.....(name, address and capacity),  
a person authorized to act in connection with international wills

2. Certify that on.....(date) at.....(place)

3. (testator)..... (name, address, date and  
place of birth)

in my presence and that of the witnesses

4. (a) ..... (name, address, date and  
place of birth)

(b) ..... (name, address, date and  
place of birth)

has declared that the attached document is his will and that he  
knows the contents thereof.

5. I furthermore certify that:

6. (a) in my presence and in that of the witnesses

(1) the testator has signed the will or has acknowledged his  
signature previously affixed.

\*(2) following a declaration of the testator stating that he was  
unable to sign his will for the following reason.....



—I have mentioned this declaration on the will

\*—the signature has been affixed by.....(name, address)

7. (b) the witnesses and I have signed the will;
- 8.\*(c) each page of the will has been signed by.....  
and numbered;
9. (d) I have satisfied myself as to the identity of the testator and of  
the witnesses as designated above;
10. (e) the witnesses met the conditions requisite to act as such according  
to the law under which I am acting;
- 11.\*(f) the testator has requested me to include the following statement  
concerning the safekeeping of his will:
12. PLACE
13. DATE
14. SIGNATURE and, if nec-  
essary, SEAL

\*To be completed if appropriate.

#### Article 11

The authorized person shall keep a copy of the certificate and deliver another to the testator.

#### Article 12

In the absence of evidence to the contrary, the certificate of the authorized person shall be conclusive of the formal validity of the instrument as a will under this Law.

#### Article 13

The absence or irregularity of a certificate shall not affect the formal validity of a will under this Law.

#### Article 14

The international will shall be subject to the ordinary rules of revocation of wills.

#### Article 15

In interpreting and applying the provisions of this law, regard shall be had to its international origin and to the need for uniformity in its interpretation.

#### REPEALS

**43.**—(1) Except as provided in subsection 2, the following <sup>Repeals</sup> are repealed:

- (a) *The Wills Act*, being chapter 499 of the Revised Statutes of Ontario, 1970;



(b) chapter 3 of the Statutes of Ontario, 1971;

(c) paragraph 36 of the Schedule to chapter 98 of the Statutes of Ontario, 1971; and

(d) section 55 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970.

**Exception**

(2) The enactments repealed by subsection 1 continue in force as if unrepealed in respect of wills made by a testator who died before the 31st day of March, 1978.

**Application of Part**

**44.** This Part applies to wills made before, on or after the 31st day of March, 1978 where the testator has not died before that date.

## PART II

### INTESTATE SUCCESSION

**Intestacy where spouse and no issue**

**45.** Where a person dies intestate in respect of property and is survived by a spouse and not survived by issue, the spouse is entitled to the property absolutely. *New.*

**Preferential share of spouse where issue**

**46.**—(1) Subject to subsection 3, where a person dies intestate in respect of property having a net value of not more than \$75,000 and is survived by a spouse and issue, the spouse is entitled to the property absolutely. R.S.O. 1970, c. 179, s. 11 (1); 1973, c. 18, s. 1 (1), *amended.*

**Idem**

(2) Subject to subsection 3, where a person dies intestate in respect of property having a net value of more than \$75,000 and is survived by a spouse and issue, the spouse is entitled to \$75,000 absolutely. R.S.O. 1970, c. 129, s. 11 (2); 1973, c. 18, s. 1 (2), *amended.*

**Idem**

(3) Notwithstanding subsection 1, where a person dies testate as to some property and intestate as to other property and is survived by a spouse and issue, and,

(a) where the spouse is entitled under the will to nothing or to property having a net value of less than \$75,000, the spouse is entitled out of the intestate property to the amount by which \$75,000 exceeds the net value of the property, if any, to which the spouse is entitled under the will;

(b) where the spouse is entitled under the will to property having a net value of more than \$75,000, subsections 1 and 2 do not apply. *New.*

(4) In this section, "net value" means the value of the property after payment of the charges thereon and the debts, funeral expenses and expenses of administration, including succession duty. R.S.O. 1970, c. 129, s. 11 (5). Interpre-  
tation

**47.**—(1) Where a person dies intestate in respect of property and leaves a spouse and one child, the spouse is entitled to one-half of the residue of the property after payment under section 46, if any. Residue:  
spouse and  
one child

(2) Where a person dies intestate in respect of property and leaves a spouse and more than one child, the spouse is entitled to one-third of the residue of the property after payment under section 46, if any. Idem:  
spouse and  
two or more  
children

(3) Where a child has died leaving issue living at the date of the intestate's death, the spouse's share shall be the same as if the child had been living at that date. R.S.O. 1970, c. 129, s. 31, *part, amended*. Idem:  
issue of  
predeceased  
children

**48.**—(1) Subject to subsection 2, where a person dies intestate in respect of property and leaves issue surviving him, the property shall be distributed, subject to the rights of the spouse, if any, equally among his issue who are of the nearest degree in which there are issue surviving him. Issue

(2) Where any issue of the degree entitled under subsection 1 has predeceased the intestate, the share of such issue shall be distributed among his issue in the manner set out in subsection 1 and the share devolving upon any issue of that and subsequent degrees who predecease the intestate shall be similarly distributed. Share of  
predeceasing  
issue

(3) Where a person dies intestate in respect of property and leaves no spouse or issue, the property shall be distributed between the parents of the deceased equally or, where there is only one parent surviving the deceased, to that parent absolutely. Parents

(4) Where a person dies intestate in respect of property and there is no surviving spouse, issue or parent, the property shall be distributed among the surviving brothers and sisters of the intestate equally, and if any brother or sister predeceases the intestate, the share of the deceased brother or sister shall be distributed among his or her children equally. Brothers and  
sisters

(5) Where a person dies intestate in respect of property and there is no surviving spouse, issue, parent, brother or Nephews and  
nieces

sister, the property shall be distributed among the nephews and nieces of the intestate equally without representation.

Next of  
kin

(6) Where a person dies intestate in respect of property and there is no surviving spouse, issue, parent, brother, sister, nephew or niece, the property shall be distributed among the next of kin of equal degree of consanguinity to the intestate equally without representation. R.S.O. 1970, c. 129, s. 31, *part, amended*.

Escheat

(7) Where a person dies intestate in respect of property and there is no surviving spouse, issue, parent, brother, sister, nephew, niece or next of kin, the property becomes the property of the Crown, and *The Escheats Act* applies.

R.S.O. 1970,  
c. 149

Degrees of  
kindred

(8) For the purposes of subsection 6, degrees of kindred shall be computed by counting upward from the deceased to the nearest common ancestor and then downward to the relative, and the kindred of the half-blood shall inherit equally with those of the whole-blood in the same degree.

Descendants  
conceived  
but unborn

(9) For the purposes of this section, descendants and relatives of the deceased conceived before and born alive after the death of the deceased shall inherit as if they had been born in the lifetime of the deceased and had survived him. *New*.

Abolition  
of curtesy

**49.** The common law right of a widower to curtesy is hereby abolished.

Repeal of  
R.S.O. 1970,  
c. 129, ss. 8, 10,  
11, 12, 13, 30, 31,  
31a, 32

**50.**—(1) Sections 8 and 10, sections 11 and 12, as amended by the Statutes of Ontario, 1973, chapter 18, sections 1 and 2, sections 13, 30 and 31, section 31a, as enacted by the Statutes of Ontario, 1973, chapter 18, section 3, and section 32 of *The Devolution of Estates Act*, being chapter 129 of the Revised Statutes of Ontario, 1970, are repealed.

R.S.O. 1970,  
c. 129, s. 28,  
re-enacted

(2) Section 28 of the said Act is repealed and the following substituted therefor:

Search  
for  
children  
born  
outside  
marriage

28.—(1) A personal representative shall make reasonable inquiries for persons who may be entitled by virtue of a relationship traced through a birth outside marriage.

Liability  
of  
personal  
representa-  
tive

(2) A personal representative is not liable for failing to distribute property to a person who is entitled by virtue of a relationship traced through a birth outside marriage where,

(a) he makes the inquiries referred to in subsection 1 and the entitlement of the person entitled was not



known to the personal representative at the time of the distribution; and

- (b) he makes such search of the records of the Registrar General relating to parentage as is available for the existence of persons who are entitled by virtue of a relationship traced through a birth outside marriage and the search fails to disclose the existence of such a person.

(3) Nothing in this section prejudices the right of any person to follow the property, or any property representing it, into the hands of any person other than a purchaser in good faith and for value, except that where there is no presumption or court finding of the parentage of a person born outside marriage until after the death of the deceased, a person entitled by virtue of a relationship traced through the birth is entitled to follow only property that is distributed after the personal representative has actual notice of an application to establish the parentage or of the facts giving rise to a presumption of parentage.

**51.**—(1) Section 29 of *The Conveyancing and Law of Property Act*, being chapter 85 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 85, s. 29, repealed

(2) Section 30 of the said Act is amended by striking out "A tenant by the curtesy" in the first line. R.S.O. 1970, c. 85, s. 30, amended

**52.** The enactments repealed or amended by sections 50 and 51 continue in force as if unrepealed or unamended in respect of a death occurring before the 31st day of March, 1978. Exception

**53.** This Part applies to an intestacy upon a death occurring on or after the 31st day of March, 1978. Application

### PART III

#### DESIGNATION OF BENEFICIARIES OF INTEREST IN FUNDS OR PLANS

**54.** In this Part,

- (a) "participant" means a person who is entitled to designate another person to receive a benefit payable under a plan on the participant's death;

- (b) "plan" means,

- (i) a pension, retirement, welfare or profit-sharing fund, trust, scheme, contract or arrangement

Interpretation



or a fund, trust, scheme, contract or arrangement for other benefits for employees, former employees, directors, former directors, agents, or former agents of an employer or their dependants or beneficiaries, or

- (ii) a fund, trust, scheme, contract, or arrangement for the payment of a periodic sum for life or for a fixed or variable term,

created before or after the commencement of this Act, and includes a retirement savings plan and a home ownership savings plan as defined in the *Income Tax Act* (Canada).  
*New.*

R.S.C. 1952,  
c. 148

Designation  
of  
beneficiaries

**55.**—(1) A participant may designate a person to receive a benefit payable under a plan on the participant's death,

- (a) by an instrument signed by him or signed on his behalf by another person in his presence and by his direction; or

- (b) by will,

and may revoke the designation by either of those methods.  
1973, c. 132, s. 1, *part, amended.*

*Idem*

(2) A designation in a will is effective only if it relates expressly to a plan, either generally or specifically. *New.*

Revocation  
of  
designation

**56.**—(1) A revocation in a will is effective to revoke a designation made by instrument only if the revocation relates expressly to the designation, either generally or specifically.

*Idem*

(2) Notwithstanding section 15, a later designation revokes an earlier designation, to the extent of any inconsistency.

*Idem*

(3) Revocation of a will revokes a designation in the will.

Where  
will invalid

(4) A designation or revocation contained in an instrument purporting to be a will is not invalid by reason only of the fact that the instrument is invalid as a will.

*Idem*

(5) A designation in an instrument that purports to be but is not a valid will is revoked by an event that would have the effect of revoking the instrument if it had been a valid will.

Earlier  
designations  
not revived

(6) Revocation of a designation does not revive an earlier designation.

(7) Notwithstanding section 22, a designation or revocation in a will is effective from the time when the will is signed. Effective date  
*New.*

**57.** Where a participant in a plan has designated a person to receive a benefit under the plan on the death of the participant, Payment and enforcement

(a) the person administering the plan is discharged on paying the benefit to the person designated under the latest designation made in accordance with the terms of the plan, in the absence of actual notice of a subsequent designation or revocation made under section 55 but not in accordance with the terms of the plan; and

(b) the person designated may enforce payment of the benefit payable to him under the plan but the person administering the plan may set up any defence that he could have set up against the participant or his personal representative. R.S.O. 1970, c. 85, s. 63; 1973, c. 132, s. 1, *part, amended.*

**58.**—(1) Where this Part is inconsistent with a plan, this Part applies, unless the inconsistency relates to a designation made or proposed to be made after the making of a benefit payment where the benefit payment would have been different if the designation had been made before the benefit payment, in which case the plan applies. Application of Part to plan *New.*

(2) This Part does not apply to a contract or to a designation of a beneficiary to which *The Insurance Act* applies. 1973, c. 132, s. 1, *part.* Exception R.S.O. 1970, c. 224

**59.** Section 63, and section 64 as enacted by the Statutes of Ontario, 1973, chapter 132, section 1, of *The Conveyancing and Law of Property Act*, being chapter 85 of the Revised Statutes of Ontario, 1970, are repealed. R.S.O. 1970, c. 85, ss. 63, 64, repealed

**60.** Section 17 of *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 342, s. 17, repealed

## PART IV

### SURVIVORSHIP

**61.**—(1) Where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, the property of each person, or any property of which he is competent to dispose, shall be disposed of as if he had survived the other or others. R.S.O. 1970, c. 45, s. 1 (1). Survivorship as to succession

Simultaneous  
death of  
joint  
tenants

(2) Unless a contrary intention appears, where two or more persons hold legal or equitable title to property as joint tenants, or with respect to a joint account, with each other, and all of them die at the same time or in circumstances rendering it uncertain which of them survived the other or others, each person shall be deemed, for the purposes of subsection 1, to have held as tenant in common with the other or with each of the others in that property.

Provision in  
will for  
substitute  
representative

(3) Where a will contains a provision for a substitute personal representative operative if an executor designated in the will,

(a) dies before the testator;

(b) dies at the same time as the testator; or

(c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated executor dies at the same time as the testator or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of probate, the case for which the will provides shall be deemed to have occurred. *New.*

Proceeds of  
insurance  
R.S.O. 1970,  
c. 224

(4) The proceeds of a policy of insurance shall be paid in accordance with sections 190 and 268 of *The Insurance Act* and thereafter this Part applies to their disposition. R.S.O. 1970, c. 454, s. 1 (2); 1972, c. 43, s. 1, *amended*.

Repeals

**62.**—(1) *The Survivorship Act*, being chapter 454 of the Revised Statutes of Ontario, 1970, and *The Survivorship Amendment Act, 1972*, being chapter 43, are repealed.

Exception

(2) The enactments repealed by subsection 1 continue in force as if unrepealed in respect of deaths occurring before the 31st day of March, 1978.

Application  
of Part

**63.** This part applies in respect of deaths occurring on or after the 31st day of March, 1978.

## PART V

### SUPPORT OF DEPENDANTS

Interpre-  
tation

**64.** In this Part,

(a) "child" means a child as defined in clause a of subsection 1 of section 1 and includes a grand-child and a person whom the deceased has demonstrated a settled intention to treat as a child of his family but does not include a child placed in a



foster home for consideration by a person having lawful custody;

- (b) "common law spouse" means either of a man and a woman who, not being married to each other, had been cohabiting immediately before the death of one of them,

(i) continuously for a period of not less than five years, or

(ii) in a relationship of some permanence where there is a child born of whom they are the natural parents;

- (c) "court" means the surrogate court having jurisdiction to grant letters probate or letters of administration in the estate of the deceased;

- (d) "dependant" means,

(i) the spouse or common law spouse of the deceased,

(ii) a parent of the deceased,

(iii) a child of the deceased, or

(iv) a brother or sister of the deceased,

to whom the deceased was providing support or was under a legal obligation to provide support immediately before his death;

- (e) "letters probate" and "letters of administration" include letters probate, letters of administration or other legal documents purporting to be of the same legal nature granted by a court in another jurisdiction and resealed in this province;

- (f) "parent" includes a grandparent and a person who has demonstrated a settled intention to treat the deceased as a child of his family, but does not include a person in whose home the deceased was placed as a foster child for consideration by a person having lawful custody;

- (g) "spouse" includes a person whose marriage to the deceased was terminated or declared a nullity. R.S.O. 1970, c. 126, s. 1, *amended*.



Order for  
support

**65.**—(1) Where a deceased, whether testate or intestate, has not made adequate provision for the proper support of his dependants or any of them, the court, on application, may order that such provision as it considers adequate be made out of the estate of the deceased for the proper support of the dependants or any of them. R.S.O. 1970, c. 126, s. 2 (1), *amended*.

Applicants

(2) An application for an order for the support of a dependant may be made by the dependant or a parent of the dependant, or by,

(a) the Ministry of Community and Social Services in the name of the Minister;

(b) a municipal corporation, including a metropolitan, district or regional municipality but not including an area municipality thereof; or

(c) a children's aid society,

where the Ministry, municipality or society is providing an allowance or benefit in respect of the support of the dependant.

Idem

(3) The adequacy of provision for support under subsection 1 shall be determined as of the date of the hearing of the application. *New*.

Suspensory  
order

**66.** On an application by or on behalf of the dependants or any of them, the court may make an order suspending in whole or in part the administration of the deceased's estate, for such time and to such extent as the court may decide. *New*.

Application

**67.**—(1) An application under this Part may be made to the court by originating notice of motion in accordance with the practice of the court. R.S.O. 1970, c. 126, s. 4 (1), *amended*.

Idem

(2) Where an application for an order under section 65 is made by or on behalf of any dependant,

(a) it may be dealt with by the court as; and

(b) in so far as the question of limitation is concerned, it shall be deemed to be,

an application on behalf of all persons who might apply. *New*.

Limitation  
period

**68.**—(1) Subject to subsection 2, no application for an order under section 65 may be made after six months from

the grant of letters probate of the will or of letters of administration.

(2) The court, if it considers it proper, may allow an application to be made at any time as to any portion of the estate remaining undistributed at the date of the application. Exception  
R.S.O. 1970, c. 126, s. 4 (2), *amended*.

**69.**—(1) Upon the hearing of an application under this Part, the court, Consideration  
on  
application

- (a) shall inquire into and consider all the circumstances of the application, including,
  - (i) the assets and means of the dependant,
  - (ii) the capacity of the dependant to provide for his or her own support,
  - (iii) the age and the physical and mental health of the dependant,
  - (iv) the needs of the dependant, in determining which the court may have regard to the accustomed standard of living,
  - (v) the measures available for the dependant to become financially independent and the length of time and cost involved to enable the dependant to take such measures,
  - (vi) the proximity and duration of the dependant's relationship with the deceased,
  - (vii) the contributions made by the dependant to the deceased's welfare, including indirect and non-financial contributions,
  - (viii) the contributions made by the dependant to the acquisition, maintenance and improvement of the deceased's property, business or occupation,
  - (ix) whether the dependant has a legal obligation to provide support for another person,
  - (x) where the dependant is a child, his or her aptitude for and reasonable prospects of obtaining an education,
  - (xi) where the dependant is a child of the age of sixteen years or more, his or her withdrawal from parental control;

- (xii) where the dependant is the spouse of the deceased, a course of conduct by the spouse during the lifetime of the deceased that is an obvious and gross repudiation of the relationship,
  - (xiii) the circumstances of the deceased at the time of death,
  - (xiv) any agreement between the deceased and the dependant,
  - (xv) any previous distribution or division of property made by the deceased in favour of the dependant by gift or agreement or under court order, and
  - (xvi) the claims that any other person may have as a dependant;
- (b) in addition to the evidence adduced by the parties appearing, may direct such other evidence to be given as the court considers necessary or proper; and
- (c) may accept such evidence as the court considers proper of the deceased's reasons, so far as ascertainable,
- (i) for making the dispositions made by his will, or
  - (ii) for not making adequate provision for a dependant,

including any statement in writing signed by the deceased. R.S.O. 1970, c. 126, s. 6, *amended*.

*Idem*

(2) In estimating the weight to be given to a statement referred to in clause *c* of subsection 1, the court shall have regard to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement. *New*.

Conditions  
and  
restrictions

**70.**—(1) In any order making provision for support of a dependant, the court may impose such conditions and restrictions as the court considers appropriate.



(2) Provision may be made out of income or capital or <sup>Contents of order</sup> both and an order may provide for one or more of the following, as the court considers appropriate,

- (a) an amount payable annually or otherwise whether for an indefinite or limited period or until the happening of a specified event;
- (b) a lump sum to be paid or held in trust;
- (c) any specified property to be transferred or assigned to or in trust for the benefit of the dependant, whether absolutely, for life or for a term of years;
- (d) the possession or use of any specified property by the dependant for life or such period as the court considers appropriate;
- (e) a lump sum payment to supplement or replace periodic payments;
- (f) the securing of payment under an order by a charge on property or otherwise;
- (g) the payment of a lump sum or of increased periodic payments to enable a dependant spouse or child to meet debts reasonably incurred for his or her own support prior to an application under this Part;
- (h) that all or any of the moneys payable under the order be paid to an appropriate person or agency for the benefit of the dependant;
- (i) the payment to an agency referred to in subsection 2 of section 65 of any amount in reimbursement for an allowance or benefit granted in respect of the support of the dependant, including an amount in reimbursement for an allowance paid or benefit provided before the date of the order. R.S.O. 1970, c. 126, s. 2, *amended*.

(3) Where a transfer or assignment of property is ordered, <sup>Idem</sup> the court may,

- (a) give all necessary directions for the execution of the transfer or assignment by the executor or administrator or such other person as the court may direct;  
or
- (b) grant a vesting order.

(4) An order under this section may be made notwithstanding any agreement or waiver to the contrary. <sup>Agreement or waiver</sup> *New.*



Notice to  
parties  
before order

(5) The court shall not make any order under this section until it is satisfied upon oath that all persons who are or may be interested in or affected by the order have been served with notice of the application as provided by the rules of court, and every such person is entitled to be present and to be heard in person or by counsel at the hearing. R.S.O. 1970, c. 126, s. 5.

Exception

(6) Notwithstanding subsection 5, where, in the opinion of the court,

(a) every reasonable effort has been made to serve those entitled to notice; or

(b) after every reasonable effort has been made, it is not possible to identify one or more of the persons entitled to notice,

the court may dispense with the requirement of notice in respect of any person who has not been served. *New.*

Interim  
order

**71.** Where an application is made under this Part and the applicant is in need of and entitled to support but any or all of the matters referred to in section 69 or 70 have not been ascertained by the court, the court may make such interim order under section 70 as it considers appropriate. 1973, c. 131, s. 1, *part*.

Inquiries  
and further  
orders

**72.** Where an order has been made under this Part, the court at any subsequent date may,

(a) inquire whether the dependant benefited by the order has become entitled to the benefit of any other provision for his support;

(b) inquire into the adequacy of the provision ordered; and

(c) discharge, vary or suspend the order, or make such other order as the court considers appropriate in the circumstances. 1973, c. 131, s. 1, *part, amended*.

Further  
powers of  
court

**73.** The court may at any time,

(a) fix a periodic payment or lump sum to be paid by a legatee, devisee or beneficiary under an intestacy to represent, or in commutation of, such proportion of the sum ordered to be paid as falls upon the portion of the estate in which he is interested;

- (b) relieve such portion of the estate from further liability; and
- (c) direct,
  - (i) the manner in which such periodic payment is to be secured, or
  - (ii) to whom such lump sum is to be paid and the manner in which it is to be dealt with for the benefit of the person to whom the commuted payment is payable. *New.*

**74.**—(1) Where an application is made and notice thereof is served on the personal representative of the deceased, <sup>Distribution stayed</sup> he shall not, after service of the notice upon him, unless all persons entitled to apply consent or the court otherwise orders, proceed with the distribution of the estate until the court has disposed of the application. R.S.O. 1970, c. 126, s. 4 (3).

(2) Nothing in this Part prevents a personal representative <sup>Exception</sup> from making reasonable advances for support to dependants who are beneficiaries.

(3) Where a personal representative distributes any portion of the estate in violation of subsection 1, if any <sup>Liability of personal representative</sup> provision for support is ordered by the court to be made out of the estate, the personal representative is personally liable to pay the amount of the distribution to the extent that such provision or any part thereof ought, pursuant to the order or this Part, to be made out of the portion of the estate distributed. *New.*

**75.**—(1) Subject to subsection 2, the incidence of any <sup>Incidence of provision ordered</sup> provision for support ordered shall fall rateably upon that part of the deceased's estate to which the jurisdiction of the court extends.

(2) The court may order that the provision for support <sup>Idem</sup> be made out of and charged against the whole or any portion of the estate in such proportion and in such manner as to the court seems proper. *New.*

**76.** The court may give such further directions as it considers necessary for the purpose of giving effect to an order. <sup>Further directions</sup>  
*New.*

Certified  
copy of  
order filed  
with the  
clerk of  
the court

**77.**—(1) A certified copy of every order made under this Part shall be filed with the clerk of the court out of which the letters probate or letters of administration issued.

Idem

(2) A memorandum of the order shall be endorsed on or annexed to the copy, in the custody of the clerk, of the letters probate or letters of administration, as the case may be.  
*New.*

Property  
devised

**78.** Where a deceased,

- (a) has, in his lifetime, in good faith and for valuable consideration, entered into a contract to devise or bequeath any property; and
- (b) has by his will devised or bequeathed that property in accordance with the provisions of the contract,

the property is not liable to the provisions of an order made under this Part except to the extent that the value of the property in the opinion of the court exceeds the consideration therefor. R.S.O. 1970, c. 126, s. 8, *amended*.

Value of  
certain  
transactions  
deemed part  
of estate

**79.**—(1) Subject to section 78, for the purpose of this Part, the capital value of the following transactions effected by a deceased before his death, whether benefiting his dependant or any other person, shall be included as testamentary dispositions as of the date of the death of the deceased and shall be deemed to be part of his net estate for purposes of ascertaining the value of his estate, and being available to be charged for payment by an order under clause *f* of subsection 2 of section 70,

- (a) gifts *mortis causa*;
- (b) money deposited, together with interest thereon, in an account in the name of the deceased in trust for another or others with any chartered bank, savings office, credit union or trust company, and remaining on deposit at the date of the death of the deceased;
- (c) money deposited, together with interest thereon, in an account in the name of the deceased and another person or persons and payable on death pursuant to the terms of the deposit or by operation of law to the survivor or survivors of those



persons with any chartered bank, savings office, credit union or trust company, and remaining on deposit at the date of the death of the deceased;

- (d) any disposition of property made by a deceased whereby property is held at the date of his death by the deceased and another as joint tenants;
- (e) any disposition of property made by the deceased in trust or otherwise, to the extent that the deceased at the date of his death retained, either alone or in conjunction with another person or persons by the express provisions of the disposing instrument, a power to revoke such disposition, or a power to consume, invoke or dispose of the principal thereof, but the provisions of this clause do not affect the right of any income beneficiary to the income accrued and undistributed at the date of the death of the deceased;
- (f) any amount payable under a policy of insurance effected on the life of the deceased and owned by him; and
- (g) any amount payable under a designation of beneficiary under Part III.

(2) The capital value of the transactions referred to in clauses *b*, *c* and *d* of subsection 1 shall be deemed to be included in the net estate of the deceased to the extent that the funds on deposit were the property of the deceased immediately before the deposit or the consideration for the property held as joint tenants was furnished by the deceased. Idem

(3) Dependants claiming under this Part shall have the burden of establishing that the funds or property, or any portion thereof, belonged to the deceased. Burden of proof

(4) Where the other party to a transaction described in clause *c* or *d* of subsection 1 is a dependant, he shall have the burden of establishing the amount of his contribution, if any. Idem

(5) This section does not prohibit any corporation or person from paying or transferring any funds or property, or any portion thereof, to any person otherwise entitled Exception



thereto unless there has been personally served on the corporation or person a certified copy of a suspensory order made under section 66 enjoining such payment or transfer.

**Suspensory  
order**

(6) Personal service upon the corporation or person holding any such fund or property of a certified copy of a suspensory order shall be a defence to any action or proceeding brought against the corporation or person with respect to the fund or property during the period the order is in force.

**Rights of  
creditor**

(7) This section does not affect the rights of creditors of the deceased in any transaction with respect to which a creditor has rights. *New.*

**Validity of  
mortgage,  
etc.**

**80.** Where provision for the support of a dependant is ordered under this Part, a mortgage, charge or assignment of or with respect to such provision, made before the order of the court making such provision is entered, is invalid. *New.*

**Persons in  
institutions  
under  
R.S.O. 1970,  
c. 269,  
1974, c. 2**

**81.**—(1) Where a person by whom, or on whose behalf, an application may be made under this Part is a patient in a psychiatric facility under *The Mental Health Act* or a resident in a facility under *The Developmental Services Act, 1974* at the time of the deceased's death or at any time before the application under this Part is heard and disposed of, notice of the application for letters probate or letters of administration shall be served upon the Public Trustee on behalf of that person, and the time within which the Public Trustee may make an application under this Part runs from the date of the service of the notice.

**Notice to  
Public  
Trustee**

(2) Where a person interested in the estate in respect of which an application is made under this Part is a patient in a psychiatric facility under *The Mental Health Act* or a resident in a facility under *The Developmental Services Act, 1974*, notice of the application shall in every case be served upon the Public Trustee, who has the right to appear and be heard upon the application. R.S.O. 1970, c. 126, s. 4 (5, 6), *amended.*

**Removal  
into  
Supreme  
Court**

**82.** At any time before the hearing of an application, a judge of the Supreme Court upon motion on behalf of the personal representative of the deceased, the applicant, or any other person interested, and upon being satisfied that the application is of such a nature and of such importance as to render it proper that it should be disposed of in the Supreme Court and the property of

the deceased exceeds \$20,000, may by order direct that the application be heard by a judge of the Supreme Court and thereupon the matter shall be transferred into the Supreme Court and the application shall be heard by a judge of the Supreme Court who has the like powers and shall proceed in the like manner as the court on an application under this Part. R.S.O. 1970, c. 126, s. 4 (4), *amended*.

**83.** The court may direct that the costs of the application <sup>Costs</sup> be paid out of the estate or otherwise as it thinks proper, and may fix the amount of the costs payable by any party, exclusive of necessary disbursements, at a lump sum having regard to the value of the estate and the amount of any support applied for or directed by its order. R.S.O. 1970, c. 126, s. 11.

**84.** An appeal lies to the Supreme Court from any order <sup>Appeal</sup> of the court made under this Part. R.S.O. 1970, c. 126, s. 12 (1), *amended*.

**85.**—(1) An order or direction made under this Part may <sup>Enforcement</sup> be enforced against the estate of the deceased in the same way and by the same means as any other judgment or order of the court against the estate may be enforced.

(2) Where a court orders security for the payment <sup>Realization of security</sup> under an order under this Part or charges a property therewith, the court may, upon application and notice to all persons having an interest in the property, direct its sale for the purpose of realizing the security or charge. R.S.O. 1970, c. 126, s. 12, *amended*.

**86.** This Part binds the Crown. *New.* <sup>Crown bound</sup>

**87.**—(1) Subject to subsection 2, *The Dependants' Relief Act*, being chapter 126 of the Revised Statutes of Ontario, 1970, and *The Dependants' Relief Amendment Act, 1973*, being chapter 131, are repealed. <sup>Repeals</sup>

(2) The enactments repealed by subsection 1 continue in <sup>Exception</sup> force as if unrepealed in respect of applications where the deceased died before the 31st day of March, 1978.

**88.** This Part does not apply where the deceased died <sup>Application of Part</sup> before the 31st day of March, 1978, but an application may be made under section 72 regardless of the time of the deceased's death.

## PART VI

RIGHTS OF COMMON LAW SPOUSES  
AND CHILDREN BORN OUTSIDE MARRIAGE

1971, c. 51,  
s. 1 (1) (b, c),  
re-enacted

**89.**—(1) Clauses *b* and *c* of subsection 1 of section 1 of *The Compensation for Victims of Crime Act, 1971*, being chapter 51, are repealed and the following substituted therefor:

R.S.O. 1970,  
c. 64

(b) “child” means a child born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relate to the effect of adoption), and includes a grandchild of the victim and a person whom the victim has demonstrated a settled intention to treat as a child of his family, and includes a child of the victim conceived before and born alive after the victim’s death, but does not include a child placed in the home of the victim as a foster child for consideration by a person having lawful custody;

(c) “dependant” means,

(i) the spouse of the victim,

(ii) a parent of the victim, including a grandparent and a person who has demonstrated a settled intention to treat the victim as a child of his family, but does not include a person in whose home the victim was placed as a foster child for consideration by a person having lawful custody,

(iii) a child of the victim,

(iv) a brother or sister of the victim, and

(v) any other relative of the victim,

who was in whole or in part dependent on the victim for support at the time of his death.

1971,  
c. 51, s. 1 (2),  
re-enacted

(2) Subsection 2 of the said section 1 is repealed and the following substituted therefor:

Unmarried  
spouses

(2) The Board may direct that a person was the spouse of a deceased victim for the purposes of this Act where the Board finds that,



(a) they were a man and a woman who, not being married to each other, had been cohabiting immediately before the death of the victim,

(i) continuously for a period of not less than five years, or

(ii) in a relationship of some permanence where there is a child born of whom they are the natural parents; or

(b) their marriage was terminated by a decree absolute of divorce or was declared a nullity and the spouse was a person to whom the victim was providing support or was under a legal obligation to provide support immediately before his death.

(3) Subject to section 6 of *The Compensation for Victims of Crime Act, 1971*, this section applies to applications whether the victim died before, on or after the 31st day of March, 1978. 1971, c. 51

**90.**—(1) Section 9 of *The Perpetuities Act*, being chapter 343 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: R.S.O. 1970,  
c. 343, s. 9,  
amended

(2) For the purposes of subsection 1, “spouse” includes either of a man and a woman who, not being married to each other, had been cohabiting immediately before the death of one of them, “spouse”  
defined

(a) continuously for a period of not less than five years; or

(b) in a relationship of some permanence where there is a child born of whom they are the natural parents.

(2) Section 17 of the said Act is amended by striking out “the unborn child or other” in the second and third lines and inserting in lieu thereof “any unborn”. R.S.O. 1970,  
c. 343, s. 17,  
amended

(3) Section 17 of the said Act is further amended by adding thereto the following subsection. R.S.O. 1970,  
c. 343, s. 17,  
amended

(2) For the purposes of subsection 1, “issue” means issue of a person, whether born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act*. “issue”  
defined  
R.S.O. 1970,  
c. 64



## GENERAL

Commence-  
ment

**91.** This Act comes into force on the 31st day of March, 1978.

Short title

**92.** The short title of this Act is *The Succession Law Reform Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 4 19 77

ASSEMBLY PROROGUED December 16 19 77

*Robert Hewitt*  
CLERK  
LEGISLATIVE ASSEMBLY



An Act to reform the Law respecting  
Succession to the Estates of Deceased  
Persons

---

*1st Reading*

October 17th, 1977

*2nd Reading*

October 18th, 1977

*3rd Reading*

November 1st, 1977

---

THE HON. R. MCMURTRY  
Attorney General

---

*L. Sullivan*  
BILL 61, *enacted by L. Sullivan*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to reform the  
Law respecting the Status of Children**

---

THE HON. R. MCMURTRY  
Attorney General

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 61

1977

## An Act to reform the Law respecting the Status of Children

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### EQUAL STATUS OF CHILDREN

1.—(1) Subject to subsection 2, for all purposes of the law of Ontario a person is the child of his or her natural parents and his or her status as their child is independent of whether the child is born within or outside marriage. Rule of parentage

(2) Where an adoption order has been made, section 83 or 85 of *The Child Welfare Act* applies and the child is the child of the adopting parents as if they were the natural parents. Exception for adopted children  
R.S.O. 1970,  
c. 64

(3) The parent and child relationships as determined under subsections 1 and 2 shall be followed in the determination of other kindred relationships flowing therefrom. Kindred relationships

(4) Any distinction at common law between the status of children born in wedlock and born out of wedlock is abolished and the relationship of parent and child and kindred relationships flowing therefrom shall be determined for the purposes of the common law in accordance with this section. Common law distinction of legitimacy abolished

2.—(1) For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be construed to refer to or include a person who comes within the description by reason of Rule of construction

the relationship of parent and child as determined under section 1.

Application

(2) Subsection 1 applies to,

- (a) any Act of the Legislature or any regulation, order or by-law made under an Act of the Legislature enacted or made before, on or after the day this Act comes into force; and
- (b) any instrument made on or after the day this Act comes into force.

## PART II

### ESTABLISHMENT OF PARENTAGE

Court under  
ss. 4-7

**3.** The court having jurisdiction for the purposes of sections 4 to 7 shall be the Unified Family Court in the Judicial District of Hamilton-Wentworth and the Supreme Court in the other parts of Ontario.

Application  
for  
declaration

**4.**—(1) Any person having an interest may apply to a court for a declaration that a male person is recognized in law to be the father of a child or that a female person is the mother of a child.

Declaration  
of paternity  
recognized  
at law

(2) Where the court finds that a presumption of paternity exists under section 8 and unless it is established, on the balance of probabilities, that the presumed father is not the father of the child, the court shall make a declaratory order confirming that the paternity is recognized in law.

Declaration  
of  
maternity

(3) Where the court finds on the balance of probabilities that the relationship of mother and child has been established, the court may make a declaratory order to that effect.

Idem

(4) Subject to sections 6 and 7, an order made under this section shall be recognized for all purposes.

Application  
for  
declaration of  
paternity  
where no  
presumption

**5.**—(1) Where there is no person recognized in law under section 8 to be the father of a child, any person may apply to the court for a declaration that a male person is his or her father, or any male person may apply to the court for a declaration that a person is his child.

Limitation

(2) An application shall not be made under subsection 1 unless both the persons whose relationship is sought to be established are living.

(3) Where the court finds on the balance of probabilities that the relationship of father and child has been established, the court may make a declaratory order to that effect and, subject to sections 6 and 7, the order shall be recognized for all purposes. Declaratory order

6. Where a declaration has been made under section 4 or 5 and evidence becomes available that was not available at the previous hearing, the court may, upon application, discharge or vary the order and make such other orders or directions as are ancillary thereto. Reopening on new evidence

7. An appeal lies from an order under section 4 or 5 or a decision under section 6 in accordance with the rules of the court. Appeal

8.—(1) Unless the contrary is proven on a balance of probabilities, there is a presumption that a male person is, and he shall be recognized in law to be, the father of a child in any one of the following circumstances: Recognition in law of parentage

1. The person is married to the mother of the child at the time of the birth of the child.
2. The person was married to the mother of the child by a marriage that was terminated by death or judgment of nullity within 300 days before the birth of the child or by divorce where the decree *nisi* was granted within 300 days before the birth of the child.
3. The person marries the mother of the child after the birth of the child and acknowledges that he is the natural father.
4. The person was cohabiting with the mother of the child in a relationship of some permanence at the time of the birth of the child or the child is born within 300 days after they ceased to cohabit.
5. The person and the mother of the child have filed a statutory declaration under subsection 8 of section 6 of *The Vital Statistics Act* or a request under subsection 5 of section 6 of that Act, or either under a similar provision under the corresponding Act in another jurisdiction in Canada. R.S.O. 1970, c. 483
6. The person has been found or recognized in his lifetime by a court of competent jurisdiction in Canada to be the father of the child.



Where  
marriage  
void

(2) For the purpose of subsection 1, where a man and woman go through a form of marriage with each other, in good faith, that is void and cohabit, they shall be deemed to be married during the time they cohabit and the marriage shall be deemed to be terminated when they cease to cohabit.

Conflicting  
presump-  
tions

(3) Where circumstances exist that give rise to a presumption or presumptions of paternity by more than one father under subsection 1, no presumption shall be made as to paternity and no person is recognized in law to be the father.

Admissi-  
bility in  
evidence of  
acknowledg-  
ment against  
interest

9. A written acknowledgment of parentage that is admitted in evidence in any civil proceeding against the interest of the person making the acknowledgment is *prima facie* proof of the fact.

Approved  
blood tests

10.—(1) Upon the application of a party in a civil proceeding in which the court is called upon to determine the parentage of a child, the court may give the party leave to obtain blood tests of such persons as are named in the order granting leave and to submit the results in evidence.

Conditions  
attached

(2) Leave under subsection 1 may be given subject to such terms and conditions as the court thinks proper.

Inference  
from refusal

(3) Where leave is given under subsection 1 and a person named therein refuses to submit to the blood test, the court may draw such inferences as it thinks appropriate.

Consent  
where  
incapacity

(4) Where a person named in an order granting leave under subsection 1 is not capable of consenting to having a blood test taken, the consent shall be deemed to be sufficient,

- (a) where the person is a minor of the age of sixteen years or more, if the minor consents;
- (b) where the person is a minor under the age of sixteen years, if the person having the charge of the minor consents; and
- (c) where the person is without capacity for any reason other than minority, if the person having his charge consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

Regulations  
for blood  
tests

11. The Lieutenant Governor in Council may make regulations governing blood tests for which leave is given

by a court under section 10 including, without limiting the generality of the foregoing,

- (a) the method of taking blood samples and the handling, transportation and storage thereof;
- (b) the conditions under which a blood sample may be tested;
- (c) designating persons or facilities or classes thereof who are authorized to conduct blood tests for the purposes of section 10;
- (d) prescribing procedures respecting the admission of reports of blood tests in evidence;
- (e) prescribing forms for the purpose of section 10 and this section and providing for their use.

**12.—**(1) Any person may file in the office of the Registrar General a statutory declaration, in the form prescribed by the regulations, affirming that he is the father of a child. Statutory declaration of paternity

(2) Upon application and upon payment of the fee prescribed under *The Vital Statistics Act*, any person having an interest may inspect any relevant statutory declaration filed under subsection 1 and obtain a certified copy thereof from the Registrar General. Inspection and copies R.S.O. 1970, c. 483

**13.** Upon application and upon payment of the fee prescribed under *The Vital Statistics Act*, any person who has an interest, furnishes substantially accurate particulars and satisfies the Registrar General as to his reason for requiring it may inspect any statutory declaration filed under subsection 8 of section 6 of *The Vital Statistics Act* or any request filed under subsection 5 of section 6 of that Act and obtain a certified copy thereof from the Registrar General. Inspection of filings under R.S.O. 1970, c. 483, s. 6 (5, 8)

**14.—**(1) The registrar or clerk of every court in Ontario shall furnish the Registrar General with a statement in the form prescribed by the regulations respecting each order or judgment of the court that confirms or makes a finding of parentage. Filing of court decisions respecting parentage

(2) Upon application and upon payment of the fee prescribed under *The Vital Statistics Act*, any person may inspect an order or judgment filed under subsection 1 and obtain a certified copy thereof from the Registrar General. Inspection by public



Certified  
copies as  
evidence

**15.** A certificate certifying a copy of a document to be a true copy, obtained under section 12, 13 or 14, purporting to be signed by the Registrar General or Deputy Registrar General or on which the signature of either is lithographed, printed or stamped is, without proof of the office or signature of the Registrar General or Deputy Registrar General, receivable in evidence as *prima facie* proof of the filing and contents of the document for all purposes in any action or proceeding.

Duties of  
Registrar  
General

**16.** Nothing in this Act shall be construed to require the Registrar General to amend a registration showing parentage other than in recognition of an order made under section 4, 5 or 6.

Regulations  
for forms

**17.** The Lieutenant Governor in Council may make regulations prescribing forms for the purposes of this Part.

### PART III

#### COMPLEMENTARY AMENDMENTS

R.S.O. 1970,  
c. 222, s. 16 (1),  
amended

**18.**—(1) Subsection 1 of section 16 of *The Infants Act*, being chapter 222 of the Revised Statutes of Ontario, 1970, is amended by inserting after "father" in the third line "if known".

s. 16 (2),  
amended

(2) Subsection 2 of the said section 16 is amended by inserting after "no" in the first line "known".

R.S.O. 1970,  
c. 242,  
repealed

**19.** *The Legitimacy Act*, being chapter 242 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,  
c. 343, s. 7 (4),  
amended

**20.** Subsection 4 of section 7 of *The Perpetuities Act*, being chapter 343 of the Revised Statutes of Ontario, 1970, is amended by striking out "legitimation" in the second line.

R.S.O. 1970,  
c. 396, s. 30,  
amended

**21.** Section 30 of *The Quieting Titles Act*, being chapter 396 of the Revised Statutes of Ontario, 1970, is amended by striking out "legitimate" in the second line.

R.S.O. 1970,  
c. 449,  
s. 1 (d) (i),  
amended

**22.**—(1) Subclause i of clause d of section 1 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, is amended by striking out "legitimate".

s. 1 (d) (iv),  
amended

(2) Subclause iv of clause d of the said section 1 is amended by striking out "legitimate" in the first line.

s. 7 (11) (c) (i),  
amended

(3) Subclause i of clause c of subsection 11 of section 7 of the said Act, as re-enacted by the Statutes of Ontario,

1973, chapter 109, section 2, is amended by striking out "legitimate".

**23.**—(1) Subsection 2 of section 6 of *The Vital Statistics Act*, being chapter 483 of the Revised Statutes of Ontario, 1970, is amended by striking out "an illegitimate child" in the first and second lines and inserting in lieu thereof "a child born outside marriage". R.S.O. 1970,  
c. 483, s. 6 (2),  
amended

(2) Subsection 1 of section 12 of the said Act, as amended s. 12,  
amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by striking out "a child has been legitimated by the subsequent intermarriage of his parents" in the first and second lines and inserting in lieu thereof "after the birth of a child his parents intermarry", and by striking out "as to the legitimation" in the thirteenth line.

(3) Subsection 2 of section 41 of the said Act is repealed. s. 41 (2),  
repealed

**24.** Clause *r* of subsection 1 of section 1 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by striking out "and, where the employee is the parent or grandparent of an illegitimate child, includes such child and, where the employee is an illegitimate child, includes his parents and grandparents" in the eighth, ninth, tenth and eleventh lines and in the amendment of 1973. R.S.O. 1970,  
c. 505,  
s. 1 (1) (r),  
amended

**25.** This Act comes into force on the 31st day of March, 1978. Commence-  
ment

**26.** The short title of this Act is *The Children's Law Reform Act*, 1977. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 4 19 77*

ASSEMBLY PROROGUED

*December 16 19 77*

*Roderick Lewis*

CLERK

LEGISLATIVE ASSEMBLY





1921年1月1日 星期一

今日无事

今日无事

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

今日无事

An Act to reform the  
Law respecting the Status of Children

---

*1st Reading*

October 17th, 1977

*2nd Reading*

October 18th, 1977

*3rd Reading*

November 1st, 1977

---

THE HON. R. McMURTRY  
Attorney General

---

*8*  
BILL 62 *1 sub. in G. G. S. Hon*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to revise The Marriage Act**

---

THE HON. R. MCMURTRY  
Attorney General

---





BILL 62

1977

## An Act to revise The Marriage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) In this Act, Interpre-  
tation
- (a) “band” means a band as defined in the *Indian Act* R.S.C. 1970.  
c. I-6 (Canada);
  - (b) “church” includes chapel, meeting-house or place set aside for religious worship;
  - (c) “Indian” means a person who is registered as an Indian or entitled to be registered as an Indian under the *Indian Act* (Canada);
  - (d) “issuer” means a person authorized under this Act to issue marriage licences;
  - (e) “judge” means a provincial judge or a judge of a county or district court;
  - (f) “licence” means a marriage licence issued under this Act;
  - (g) “Minister” means the Minister of Consumer and Commercial Relations;
  - (h) “prescribed” means prescribed by the regulations;
  - (i) “regulations” means the regulations made under this Act;
  - (j) “reserve” means a reserve as defined in the *Indian Act* (Canada). R.S.O. 1970, c. 261, s. 1; 1972, c. 1, s. 44 (1-3), *amended*.

Application  
of Act to  
subsequent  
ceremonies

(2) This Act does not apply in respect of any ceremony or form of marriage gone through by two persons who are married to each other by a marriage previously solemnized in accordance with this Act or recognized as valid in Ontario.  
*New.*

Administra-  
tion

2. The administration of this Act is under the direction of the Minister.

Delegation  
of powers  
and duties

3. Where, under this Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister of Consumer and Commercial Relations, or to any officer or officers of the Ministry of Consumer and Commercial Relations, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation. 1972, c. 1, s. 44 (3), *amended*.

Authority  
to marry

4. No marriage may be solemnized except under the authority of a licence issued in accordance with this Act or the publication of banns. R.S.O. 1970, c. 261, s. 4 (1), *amended*.

Who may  
marry

5.—(1) Any person who is of the age of majority may obtain a licence or be married under authority of publication of banns, provided no lawful cause exists to hinder the solemnization. R.S.O. 1970, c. 261, s. 5 (1), *amended*.

Idem

(2) No person shall issue a licence to a minor, or solemnize the marriage of a minor under the authority of the publication of banns, except where the minor is of the age of sixteen years or more and has the consent in writing of both parents in the form prescribed by the regulations.

Giving of  
consent

(3) The consent referred to in subsection 2 is not required in respect of a person who is a widow, widower or divorced.

Idem

(4) Where one of the parents of a minor is dead or both parents are living apart, the consent required by subsection 2 may be given by the parent having actual or legal custody of the minor.

Idem

1974, c. 2

(5) Where both parents of a minor are dead or are voluntary or involuntary patients in a psychiatric facility, or are residents of a facility under *The Developmental Services Act, 1974*, the consent required by subsection 2 may be given by a lawfully appointed guardian or an acknowledged guardian who has brought up or who for the three years immediately preceding the intended marriage has supported the minor.

(6) Where a minor is made a ward of someone other than <sup>Idem</sup> a parent by order of a court or under any Act, the consent required by subsection 2 may be given by the lawful guardian of the minor or person responsible for exercising the rights and duties of a guardian of the minor. R.S.O. 1970, c. 261, ss. 7, 8, *amended*.

**6.**—(1) Where a person whose consent is required by section 5 is not available or unreasonably or arbitrarily withholds his consent, the person in respect of whose marriage the consent is required may apply to a judge without the intervention of a next friend for an order dispensing with the consent. <sup>Application to dispense with consent</sup>

(2) The judge shall hear the application in a summary <sup>Powers of judge</sup> manner and may, in his discretion, make an order dispensing with the consent required by section 5. R.S.O. 1970, c. 261, s. 9, *amended*.

**7.** No person shall issue a licence to or solemnize the marriage of any person whom he knows or has reasonable grounds to believe lacks capacity to marry by reason of being mentally ill or mentally defective or under the influence of intoxicating liquor or drugs. <sup>Persons mentally ill or under influence</sup> R.S.O. 1970, c. 261, s. 6, *amended*.

**8.**—(1) An applicant for a licence who has been previously married is entitled to be issued a licence if such marriage has been dissolved or annulled and such dissolution or annulment is recognized under the law of Ontario and the applicant otherwise complies with the requirements of this Act. <sup>Where dissolution of former marriage recognized in Ontario</sup>

(2) Subject to subsection 6, no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled in Canada unless such person deposits with the issuer, <sup>Material to be filed with issuer where dissolution in Canada</sup>

(a) the final decree or judgment dissolving or annulling the marriage or a copy of the final decree or judgment or Act dissolving or annulling the marriage, certified by the proper officer; and

(b) such other material as the issuer may require.

(3) Subject to subsection 6, no issuer shall issue a licence to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Minister is obtained upon the deposit of such material as he may require. <sup>Where dissolution, etc., outside Canada</sup>



Review of  
refusal to  
issue  
licence

1971, c. 48

(4) Where an issuer refuses to issue a licence, or the Minister refuses to issue an authorization under subsection 3, the applicant may apply to the Supreme Court for judicial review under *The Judicial Review Procedure Act, 1971* and for an order directing that a licence be issued to him and if the court finds that he is so entitled it may make such an order.

Parties

(5) The applicant, the Minister and such other persons as the court may order are parties to an application under subsection 4.

Issue of  
licence  
under court  
order

(6) Where an applicant for a licence files with an issuer, together with his application, an order of the Supreme Court made on an application under subsection 4 directing that a licence be issued to him, the issuer shall issue the licence. 1971, c. 50, s. 55 (1).

Application  
for presump-  
tion of death

**9.—**(1) A married person whose spouse is missing and who alleges,

- (a) that his spouse has been continuously absent for at least seven years immediately preceding the application;
- (b) that his spouse has not been heard from or heard of during such period by the applicant or to the knowledge of the applicant by any other person; and
- (c) that the applicant has made reasonable inquiries and has no reason to believe that his spouse is living,

may apply to the judge of a county or district court for an order under this section.

Order

(2) Upon being satisfied as to the truth of the matters alleged, the judge may, in his discretion, make an order declaring that the spouse shall be presumed dead. R.S.O. 1970, c. 261, s. 11 (1, 2).

Remarriage  
authorized

(3) Where an order has been obtained under this section, the person in whose favour the order was made may, subject to the provisions of this Act, obtain a licence or be married under the authority of publication of banns upon depositing a copy of the order with the person issuing the licence or solemnizing the marriage together with an affidavit in the prescribed form.

(4) The order has no effect for any purpose other than the issuance of a licence under subsection 3. R.S.O. 1970, c. 261, s. 11 (3, 4), *amended*. Effect of order

**10.** Notwithstanding anything in this Act, if the Minister considers that circumstances justify the issue of a licence in any particular case, he may, in his absolute discretion, authorize the issue of the licence. R.S.O. 1970, c. 261, s. 10, *amended*. Discretionary power of Minister

**11.**—(1) Marriage licences may be issued by the clerk of every city, town and village. Issuers

(2) Where it is considered expedient for the public convenience, the Lieutenant Governor in Council may appoint as an issuer the clerk of any township, or any person resident in a county, or in a township adjacent thereto, or in a provisional judicial district, or a member of a band upon the recommendation of the council of the band. R.S.O. 1970, c. 261, s. 30, *amended*. In townships and unorganized territory

(3) An issuer may, with the approval in writing of the Minister or of the head of the council of the municipality of which he is clerk, appoint in writing one or more deputies to act for him, and any such deputy while so acting has the power of the issuer appointing him. Deputy issuers

(4) The issuer shall, upon appointing a deputy, forthwith transmit to the Minister a notice of the appointment, and of the name and official position of the person by whom the appointment has been approved, and the Minister may at any time cancel the appointment. Notice of appointment of deputy

(5) The deputy shall sign each licence issued by him with the name of the issuer as well as his own name in the following manner: Signature of licences by deputy

AB, Issuer of Marriage Licences, per CD, Deputy Issuer.

R.S.O. 1970, c. 261, s. 31.

**12.**—(1) An issuer or the Minister may require evidence to identify any applicant or to establish his status and may examine, under oath if required, any applicant or other person as to any matter pertaining to the issue of a licence. R.S.O. 1970, c. 261, s. 33, *amended*. Evidence on applications

(2) Where an issuer has reason to believe that any information set out in an application for a licence is untrue, he shall not issue the licence unless, on the production of such further evidence as he may require, he is satisfied as to the truth of the information. R.S.O. 1970, c. 261, s. 35, *amended*. Untrue information

Record of  
licences

**13.**—(1) Every issuer shall keep in his office a record of the serial number and the date of issue of every licence issued by him, and the names and addresses of the parties to the intended marriage.

## Searches

(2) Any person is entitled, upon application, to have a search made respecting any licence issued within three months immediately preceding the date of application. R.S.O. 1970, c. 261, s. 34.

Material to be  
forwarded to  
Registrar  
General

**14.** Every issuer immediately upon issuing a licence and every person registered as authorized to solemnize marriage upon publishing banns shall forward to the Registrar General,

- (a) any consent under section 5;
- (b) any judge's order under section 6;
- (c) any affidavit or judge's order under section 9;
- (d) any documentary or other material filed on the application for a licence under section 8;
- (e) any affidavit as to age;
- (f) any documentary material obtained under section 12. R.S.O. 1970, c. 261, s. 36, *amended*.

## Oaths

**15.** Issuers may administer oaths for the purposes of this Act. R.S.O. 1970, c. 261, s. 37.

## Indians

**16.** Where both parties to an intended marriage are Indians ordinarily resident on a reserve in Ontario or on Crown lands in Ontario no fee shall be charged for the licence. R.S.O. 1970, c. 261, s. 39, *amended*.

Publication  
of banns

**17.**—(1) Where a marriage is to be solemnized under the authority of publication of banns, the intention to marry shall be proclaimed openly in an audible voice during divine service,

- (a) where the parties are in the habit of attending worship at the same church, being within Canada, at that church; or
- (b) where the parties are in the habit of attending worship in different churches, being within Canada, in each such church.

Method and  
time of  
publication

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service.



(3) Where the usage of any denomination, faith or creed substitutes any other day as the usual and principal day of the week for the celebration of divine service, the banns shall be published on such other day. <sup>Exception</sup>

(4) The person or persons who publish banns shall certify proof thereof in the prescribed form. R.S.O. 1970, c. 261, s. 15, <sup>Proof</sup> amended.

**18.** Banns shall not be published where either of the parties to the intended marriage has been married and the marriage has been dissolved or annulled. R.S.O. 1970, c. 261, s. 18, <sup>Where banns not to be published</sup> amended.

**19.** Form 1 respecting the prohibited degrees of affinity and consanguinity shall be endorsed on the licence and on the proof of publication of banns. R.S.O. 1970, c. 261, s. 45 (1), <sup>Prohibited degrees to be endorsed</sup> amended.

**20.—(1)** No person shall solemnize a marriage unless he is authorized by or under section 24 or is registered under this section as a person authorized to solemnize marriage. <sup>Who may solemnize marriage</sup>

(2) Upon application the Minister may, subject to subsection 3, register any person as a person authorized to solemnize marriage. <sup>Application for registration</sup>

(3) No person shall be registered unless it appears to the Minister, <sup>Who may be registered</sup>

- (a) that the person has been ordained or appointed according to the rites and usages of the religious body to which he belongs, or is, by the rules of that religious body, deemed ordained or appointed;
- (b) that the person is duly recognized by the religious body to which he belongs as entitled to solemnize marriage according to its rites and usages;
- (c) that the religious body to which the person belongs is permanently established both as to the continuity of its existence and as to its rites and ceremonies; and
- (d) that the person is resident in Ontario or has his parish or pastoral charge in whole or in part in Ontario; provided that in the case of a person who is in Ontario temporarily and who, if resident in Ontario, might be registered under this section, the Minister may register him as authorized to solemnize marriage during a period to be fixed by the Minister.



- Where no person authorized to solemnize marriage (4) Notwithstanding subsection 1, where it appears to the Minister that the doctrines of a religious body described in clause *c* of subsection 3 do not recognize any person as authorized to solemnize marriage, the Minister may register a person duly designated by the governing authority of the religious body who shall, in respect of marriages performed according to the rites, usages and customs of the religious body, perform all the duties imposed by this Act upon a person solemnizing a marriage, other than solemnizing the marriage.
- Idem (5) Where a person registered under subsection 4 performs the duties imposed by subsection 4, every marriage solemnized according to the rites, usages and customs of the religious body is valid. R.S.O. 1970, c. 261, s. 22, *amended*.
- Register **21.**—(1) The Minister shall keep a register of the name of every person registered as a person authorized to solemnize marriage, the date of such registration, and such other particulars as he considers advisable.
- Certificate of registration (2) The Minister may issue a certificate of registration under this section in the prescribed form. R.S.O. 1970, c. 261, s. 23.
- Cancellation of registration **22.**—(1) Where it appears to the Minister that any person registered as authorized to solemnize marriage has ceased to possess the qualifications entitling him to be so registered, or for any other cause, the Minister may cancel such registration.
- Notice of change (2) Every religious body, members of which are registered under this Act, shall notify the Minister of the name of every such member so registered who has died or has ceased to reside in Ontario or has ceased to be associated with such religious body. R.S.O. 1970, c. 261, s. 24.
- Publication of registration and cancellation **23.** When a person is registered under this Act as authorized to solemnize marriage, and when any such registration is cancelled, the Minister shall publish notice thereof in *The Ontario Gazette*. R.S.O. 1970, c. 261, s. 25.
- Civil marriage **24.**—(1) A judge, a justice of the peace or any other person of a class designated by the regulations may solemnize marriages under the authority of a licence.
- Time and place (2) The solemnization of a marriage by a judge shall take place in the judge's office and shall be performed between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon.
- Form of ceremony (3) No particular form of ceremony is required except that in some part of the ceremony, in the presence of the person

solemnizing the marriage and witnesses, each of the parties shall declare:

I do solemnly declare that I do not know of any lawful impediment why I, AB, may not be joined in matrimony to CD,

and each of the parties shall say to the other:

I call upon these persons here present to witness that I, AB, do take you, CD, to be my lawful wedded wife (*or* husband),

after which the person solemnizing the marriage shall say:

I, EF, by virtue of the powers vested in me by *The Marriage Act, 1977*, do hereby pronounce you AB and CD to be husband and wife.

R.S.O. 1970, c. 261, s. 26, *amended*.

**25.** Every marriage shall be solemnized in the presence of the parties and at least two witnesses who shall affix their names as witnesses to the entry in the register made under section 28. R.S.O. 1970, c. 261, s. 20.

Attendance  
of parties and  
witnesses

**26.** No marriage shall be solemnized under the authority of publication of banns unless proof of publication by the person or persons publishing the banns has been deposited with the person solemnizing the marriage. R.S.O. 1970, c. 261, s. 17.

Proof of  
publication

**27.—(1)** A marriage shall not be solemnized under the authority of a licence earlier than the third day after the date of the issue of the licence, but the Minister in his absolute discretion may authorize the solemnization of the marriage earlier than such third day. R.S.O. 1970, c. 261, s. 14, *amended*.

Waiting  
period:  
under  
licence

**(2)** A marriage shall not be solemnized under the authority of publication of banns, earlier than the fifth day after the date of the publication of banns. R.S.O. 1970, c. 261, s. 16, *amended*.

Idem:  
under banns

**(3)** A marriage shall be solemnized only within the three months immediately following the issue of the licence or the publication of banns, as the case may be. R.S.O. 1970, c. 261, s. 19, *amended*.

Time within  
which  
marriage to  
be solemnized

**28.—(1)** Every person shall immediately after he has solemnized a marriage,

Entry in  
marriage  
register

(a) where the marriage was solemnized in a church, enter in the church register kept for the purpose; or



- (b) where the marriage was solemnized elsewhere than in the church, enter in a register kept by him for the purpose,

the particulars prescribed by the regulations, and the entry shall be authenticated by his signature and those of the parties and witnesses. R.S.O. 1970, c. 261, s. 27, *amended*.

Marriage  
certificate

(2) Every person who solemnizes a marriage shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage specifying the names of the parties, the date of the marriage, the names of the witnesses, and whether the marriage was solemnized under the authority of a licence or publication of banns. R.S.O. 1970, c. 261, s. 21, *amended*.

Supply of  
marriage  
registers

**29.**—(1) Every person or religious body authorized to solemnize marriages may apply to the Minister for a marriage register, and the Minister shall thereupon supply the register.

Property of  
Crown

(2) Every register supplied by the Minister is the property of the Crown. R.S.O. 1970, c. 261, s. 28, *amended*.

Protection  
of persons  
solemnizing  
marriage in  
good faith

**30.** No person who solemnizes or purports to solemnize a marriage is subject to any action or liability by reason of there having been any legal impediment to the marriage unless, at the time he performed the ceremony, he was aware of the impediment. R.S.O. 1970, c. 261, s. 44.

Marriages  
solemnized  
in good  
faith

**31.** If the parties to a marriage solemnized in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnization have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnized the marriage was not authorized to solemnize marriage, and notwithstanding the absence of or any irregularity or insufficiency in the publication of banns or the issue of the licence. R.S.O. 1970, c. 261, s. 46.

Breach of  
promise of  
marriage  
abolished

**32.**—(1) No action shall be brought for a breach of a promise to marry or for any damages resulting therefrom.

Application  
of subs. 1

(2) Subsection 1 does not apply in respect of actions for breach of promise to marry or damages resulting therefrom commenced before the day on which this Act comes into force. *New*.

Recovery of  
gifts made in  
contempla-  
tion of  
marriage

**33.** Where one person makes a gift to another in contemplation of or conditional upon their marriage to each

other and the marriage fails to take place or is abandoned, the question of whether or not the failure or abandonment was caused by or was the fault of the donor shall not be considered in determining the right of the donor to recover the gift.  
*New.*

**34.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing forms for the purposes of this Act and providing for their use, and requiring any matter therein to be verified by affidavit;
- (b) prescribing any matter required by this Act to be prescribed by the regulations;
- (c) requiring the payment of fees in respect of any matter required or authorized to be done under this Act, and providing for the retention of fees or any portion thereof by issuers and persons solemnizing marriages or any class of them and for the commutation of such fees;
- (d) prescribing the duties of issuers;
- (e) requiring persons authorized to solemnize marriages to furnish such information and returns as are prescribed;
- (f) amending Form 1 to make it conform to the law for the time being;
- (g) designating classes of persons authorized to solemnize marriages under section 24. *New.*

**35.**—(1) Every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. Penalty:  
false  
statements

(2) Every person who contravenes any provision of this Act for which no other penalty is provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1970, c. 261, ss. 47-52, *amended*. Idem:  
general

**36.** The following are repealed:

Repeals

1. *The Marriage Act*, being chapter 261 of the Revised Statutes of Ontario, 1970.



2. *The Marriage Amendment Act, 1972*, being chapter 32.

3. Section 55 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

4. Section 44 of *The Government Reorganization Act, 1972*, being chapter 1.

Commence-  
ment

**37.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**38.** The short title of this Act is *The Marriage Act, 1977*.

**ASSENTED TO BY LIEUTENANT-GOVERNOR** Nov 4 1977

**ASSEMBLY PROROGUED** December 16 1977

FORM 1

(Section 19)

**CLERK  
LEGISLATIVE ASSEMBLY**

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
5. Wife's aunt
6. Mother
7. Step mother
8. Wife's mother
9. Daughter
10. Wife's daughter
11. Son's wife
12. Sister
13. Granddaughter
14. Grandson's wife
15. Wife's granddaughter
16. Niece
17. Nephew's wife

A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Husband's uncle
6. Father
7. Step father
8. Husband's father
9. Son
10. Husband's son
11. Daughter's husband
12. Brother
13. Grandson
14. Granddaughter's husband
15. Husband's grandson
16. Nephew
17. Niece's husband

The relationships set forth in this table include all such relationships, whether by the whole or half blood.

R.S.O. 1970, c. 261, Form 10, *amended*.

Handwritten header text in Arabic script, likely a title or reference.

Handwritten text in Arabic script, possibly a date or location.

Handwritten text in Arabic script, possibly a subject or description.

Handwritten text in Arabic script, possibly a signature or name.

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

An Act to revise The Marriage Act

---

*1st Reading*

October 17th, 1977

*2nd Reading*

October 18th, 1977

*3rd Reading*

November 1st, 1977

---

THE HON. R. MCMURTRY  
Attorney General

---

BILL 65

*1. sub. in* *E. G. A. Hon*

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

**An Act to amend The Surrogate Courts Act**

THE HON. R. MCMURTRY  
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 65

1977

## An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Surrogate Courts Act*, being chapter 451 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 12,  
amended

(3) The registrar for The Surrogate Court of the Judicial District of York is by virtue of his office the Surrogate Clerk for Ontario. Surrogate  
clerk for  
Ontario

2. Subsection 1 of section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 59, section 2, is repealed and the following substituted therefor: s. 16 (1),  
re-enacted

(1) In this section, "holiday" means,

Holiday  
defined

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*. R.S.O. 1970,  
c. 386

3. Subsections 3, 4, 5 and 6 of section 34 of the said Act are repealed and the following substituted therefor: s. 34 (3),  
re-enacted  
s. 34 (4, 5, 6),  
repealed

(3) In subsection 2, "members of the forces" means a member of a component of the Canadian Forces, Interpre-  
tation

(a) that is referred to in the *National Defence Act* (Canada) as a regular force; or R.S.C. 1970,  
c. N-4

(b) while placed on active service under the *National Defence Act* (Canada).

s. 56,  
re-enacted

4. Section 56 of the said Act is repealed and the following substituted therefor:

Evaluation

56.—(1) The person applying for a grant of probate or administration shall before it is granted make or cause to be made and delivered to the registrar a true statement of the total value, verified by the oath of the applicant, of all the property that belonged to the deceased at the time of his death.

Evaluation  
of  
subsequently  
discovered  
property

(2) When after the grant of probate or letters of administration any property belonging to the deceased at the time of his death and not included in such statement of total value is discovered by the executor or administrator, he shall, within six months thereafter, deliver to the registrar a true statement of the total value, duly verified by oath, of such newly discovered property.

Evaluation  
of limited  
grant

(3) Where the application or grant is limited to part only of the property of the deceased, it is sufficient to set forth in the statement of value only the property and value thereof intended to be affected by such application or grant.

s. 60 (2) (a),  
re-enacted

- 5.—(1) Clause *a* of subsection 2 of section 60 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 19, section 1, is repealed and the following substituted therefor:

1977, c.

(a) the net value of the estate as computed for the purposes of section 46 of *The Succession Law Reform Act, 1977* does not exceed \$75,000; and

Application  
of subs. 1

- (2) Subsection 1 does not apply in respect of the administration of the estate of a person who died before this section comes into force.

s. 76 (1),  
amended

- 6.—(1) Subsection 1 of section 76 of the said Act is amended by striking out "as to personal property" in the ninth and tenth lines.

s. 76 (3),  
repealed

- (2) Subsection 3 of the said section 76 is repealed.

Commence-  
ment

- 7.—(1) This Act, except sections 5 and 6, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 5 and 6 come into force on the day *The Succession Law Reform Act, 1977* comes into force.

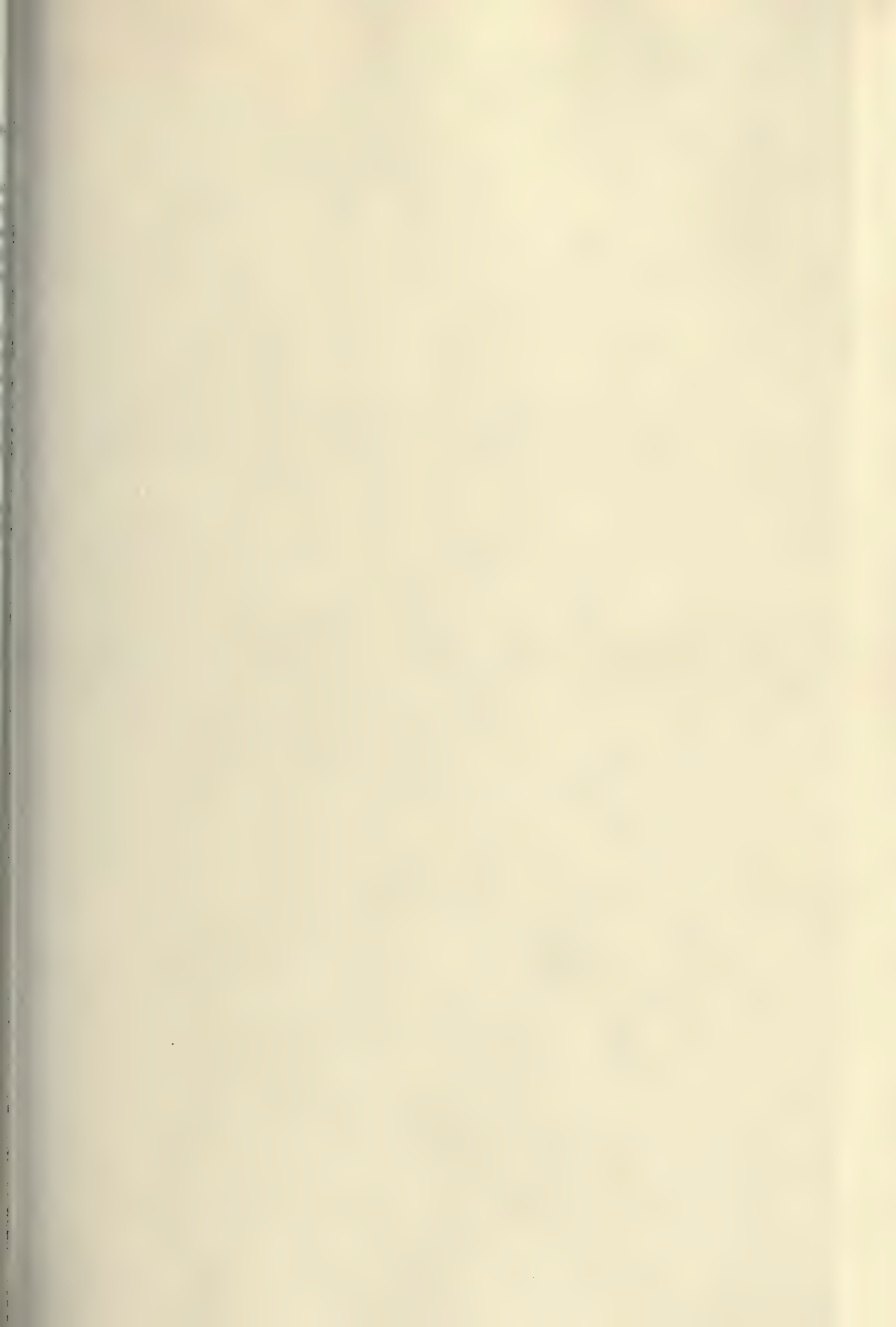
Short title

8. The short title of this Act is *The Surrogate Courts Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 4 1977

ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*  
CLERK





1	...
2	...
3	...
4	...
5	...
6	...
7	...
8	...
9	...
10	...
11	...
12	...
13	...
14	...
15	...
16	...
17	...
18	...
19	...
20	...
21	...
22	...
23	...
24	...
25	...
26	...
27	...
28	...
29	...
30	...
31	...
32	...
33	...
34	...
35	...
36	...
37	...
38	...
39	...
40	...
41	...
42	...
43	...
44	...
45	...
46	...
47	...
48	...
49	...
50	...
51	...
52	...
53	...
54	...
55	...
56	...
57	...
58	...
59	...
60	...
61	...
62	...
63	...
64	...
65	...
66	...
67	...
68	...
69	...
70	...
71	...
72	...
73	...
74	...
75	...
76	...
77	...
78	...
79	...
80	...
81	...
82	...
83	...
84	...
85	...
86	...
87	...
88	...
89	...
90	...
91	...
92	...
93	...
94	...
95	...
96	...
97	...
98	...
99	...
100	...

January 21, 1891

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 19th inst.

and in reply to inform you that

the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,  
Your obedient servant,

J. H. [Signature]

Secretary of the Board of Education

City of New York

Enclosed for you are the following documents:

1. A copy of the report of the Committee on the

State of the Education of the City of New York

for the year 1890.

2. A copy of the report of the Committee on the

State of the Education of the City of New York

for the year 1889.

I am, Sir, very respectfully,  
Your obedient servant,

J. H. [Signature]

Secretary of the Board of Education

City of New York

Enclosed for you are the following documents:

1. A copy of the report of the Committee on the

State of the Education of the City of New York

for the year 1890.

2. A copy of the report of the Committee on the

State of the Education of the City of New York

for the year 1889.

An Act to amend  
The Surrogate Courts Act

---

*1st Reading*

October 17th, 1977

*2nd Reading*

October 18th, 1977

*3rd Reading*

November 1st, 1977

---

THE HON. R. MCMURTRY  
Attorney General

---

*Pauline G. Ly. Silton*  
BILL 72

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to preserve Topsoil in Ontario**

---

THE HON. W. G. NEWMAN  
Minister of Agriculture and Food

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 72

1977

## An Act to preserve Topsoil in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "lot" means a parcel of land, described in a deed or other document legally capable of conveying land, or shown as a lot or block on a registered plan of subdivision;
- (b) "topsoil" means that horizon in a soil profile, known as the "A" horizon, containing organic material.

**2.—(1)** Subject to subsections 2 and 3, by-laws may be passed by the councils of municipalities,

By-laws  
regulating  
or  
prohibiting  
removal of  
topsoil

- (a) regulating or prohibiting the removal of topsoil in the municipality or in any area or areas thereof defined in the by-law;
- (b) providing for the issuing and renewing of permits for the removal of topsoil;
- (c) providing for the refusal to issue, refusal to renew and revocation of permits on such grounds as are prescribed in the by-law;
- (d) prohibiting any person from removing topsoil within the area or areas to which the by-law applies without a permit therefor;
- (e) requiring the rehabilitation of lands from which the topsoil has been removed;
- (f) prescribing standards of rehabilitation to be met for the purposes of clause e;

- (g) prescribing rehabilitation procedures to be followed for the purposes of clause *e*; and
- (h) exempting any land or any person or class of persons from any or all of the provisions of a by-law passed pursuant to this subsection.

## Application

(2) A by-law passed under subsection 1 does not apply to,

- (a) the removal of topsoil as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products;
- (b) the removal of topsoil as an incidental part of drain construction under *The Drainage Act, 1975* or *The Tile Drainage Act, 1971*;
- (c) the removal of topsoil as an incidental part of operations authorized under *The Pits and Quarries Control Act, 1971*;
- (d) the removal of topsoil as an incidental part of operations authorized under *The Mining Act*;
- (e) the removal of topsoil by a Crown agency or Ontario Hydro;
- (f) in the case of a by-law passed by a local municipality, the removal of topsoil by a county or regional municipality;
- (g) the removal of topsoil as an incidental part of any construction for which leave to construct has been granted pursuant to *The Ontario Energy Board Act*;
- (h) the removal of topsoil as an incidental part of the construction of any form of underground services where the topsoil is removed and held for subsequent replacement;
- (i) the removal of topsoil where the quantity of topsoil removed in any one lot does not, in any consecutive three-month period, exceed five cubic metres; and
- (j) the removal of topsoil as an incidental part of the construction of a public highway.

1975, c. 79  
1971, c. 37

1971, c. 96

R.S.O. 1970,  
c. 274

R.S.O. 1970,  
c. 312

## Idem

(3) A by-law passed under subsection 1 does not apply to the extent that,

(a) it is inconsistent with the terms of any approval or agreement under *The Planning Act*; or

R.S.O. 1970,  
c. 349

(b) it would prevent the construction of any building, structure, driveway, loading or parking facilities permitted or required on a lot pursuant to,

(i) a by-law passed by a municipality pursuant to section 35 of *The Planning Act*,

(ii) an order made by the Minister of Housing pursuant to section 32 of *The Planning Act*,

(iii) a land use regulation made by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs pursuant to section 6 of *The Parkway Belt Planning and Development Act, 1973*, or

(iv) a development permit issued by the Minister of Housing pursuant to *The Niagara Escarpment Planning and Development Act* or an exemption granted pursuant to clause c of section 22a of the said Act.

3. Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this Act.

Enforcement  
R.S.O. 1970,  
c. 284

4. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

5. The short title of this Act is *The Topsoil Preservation Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Nov 25, 77

ASSEMBLY PROROGUED

December 16, 1977

*Robert J. Lewis*

CLERK  
LEGISLATIVE ASSEMBLY







An Act to preserve  
Topsoil in Ontario

---

*1st Reading*

October 20th, 1977

*2nd Reading*

November 8th, 1977

*3rd Reading*

November 8th, 1977

---

THE HON. W. G. NEWMAN  
Minister of Agriculture and Food

---

*Pauline G. G. S. Hon*  
**BILL 73**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend  
The Ontario Guaranteed Annual Income Act, 1974**

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---





BILL 73

1977

**An Act to amend  
The Ontario Guaranteed Annual Income Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Sub-subclause C of subclause vi of clause *d* of section 1 of *The Ontario Guaranteed Annual Income Act, 1974*, being chapter 58, as re-enacted by the Statutes of Ontario, 1976, chapter 33, section 1, is repealed and the following substituted therefor:

s. 1 (d) (vi) (C),  
re-enacted

- (C) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is equal to or greater than the sum of the amounts described in paragraph 1, 2 or 3 of sub-subclause B,

an amount equal to the sum of,

1. the amount equal to one-thirty-sixth of the result obtained by subtracting from the amount of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse the sum of the amounts described in paragraphs 1 and 2 of sub-subclause B and \$12.00,
2. the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), and R.S.C. 1970,  
c. O-6
3. the maximum amount of the supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person.

s. 1 (g),  
amended

- (2) Clause *g* of the said section 1 is amended by striking out "a payment similar to a supplement or a pension" in the second and third lines and inserting in lieu thereof "a spouse's allowance, a payment similar to a supplement, pension or spouse's allowance".

s. 1 (k) (ii),  
re-enacted

- (3) Subclause ii of clause *k* of the said section 1, as amended by the Statutes of Ontario, 1976, chapter 33, section 1 is repealed and the following substituted therefor:

(ii) the amount of any pension, supplement spouse's allowance, or allowance under the *Family Allowances Act, 1973* (Canada), and the amount of any similar payments made under a law of a province of Canada.

1973,  
c. 211 (Can.)

s. 1 (k) (iv),  
re-enacted

- (4) Subclause iv of clause *k* of the said section 1, as enacted by the Statutes of Ontario, 1976, chapter 33, section 1 is repealed and the following substituted therefor:

(iv) any amount required by paragraph *b* of sub-section 1 of section 82 of the *Income Tax Act* (Canada) to be included in income, or any amount prescribed for the purpose of this subclause,

1970-71,  
c. 63 (Can.)

s. 1,  
amended

- (5) The said section 1 is amended by adding thereto the following clauses:

(sa) "spouse" in relation to a beneficiary includes a person of the opposite sex who has lived with the beneficiary for three or more years where there is a bar to their marriage or for at least one year where there is no such bar and the beneficiary and that person have publicly represented themselves as man and wife;

R.S.C. 1970,  
c. O-6

(sb) "spouse's allowance" means a monthly payment authorized to be paid under Part II.1 of the *Old Age Security Act* (Canada).

s. 1a,  
enacted

2. The said Act is amended by adding thereto the following section:

Eligibility  
for  
monthly  
benefit

1a.—(1) Subject to this Act and the regulations, a monthly benefit may be paid for any month after the month of June 1977 to every person who is not eligible on the 30th day of June, 1977 to be paid an increment and who,

- (a) has attained sixty-five years of age or such lesser age as may be prescribed;
- (b) is actually resident in Ontario and is entitled to receive a partial monthly pension authorized to be paid under subsection 1.1 of section 3 of the *Old Age Security Act* (Canada) and to receive a supplement that is paid to him or to his credit through the Ontario regional office of the Income Security Branch of the Department of National Health and Welfare of the Government of Canada; R.S.C. 1970,  
c. O-6
- (c) has resided in Canada, after attaining eighteen years of age and prior to the day on which his application is approved, for a period or periods the aggregate of which is not less than ten years and not more than forty years; and
- (d) has resided in Ontario for a period of one full year immediately prior to the date on which his application is approved or, after attaining eighteen years of age and prior to the date on which his application is approved, has resided in Ontario for a continuous period of, or for periods the aggregate of which is, at least twenty years.

(2) A person who is not entitled to an increment under *Idem* this Act on or before the 30th day of June, 1977 is eligible to be paid a monthly benefit under this section only when on or after the 1st day of July, 1977, he becomes entitled to receive a supplement and if, on the day preceding the day on which his application is approved, he is a Canadian citizen residing in Ontario or, if not a Canadian citizen, is then legally resident in Canada and is residing in Ontario.

(3) "monthly benefit" means the payment authorized by subsection 1 and is an amount equal to the maximum increment payable for the month under this Act to a person in receipt of a supplement, minus \$1.00, Amount of  
monthly  
benefit

- (a) for every full \$24.00 of the income for the base calendar year of the person to whom the monthly benefit is paid, if he is unmarried;
- (b) for every full \$48.00 of the aggregate of the incomes for the base calendar year of the person and his spouse, if the person to whom the monthly benefit is paid is married to a spouse who is entitled to receive in the month a monthly benefit or an increment under this Act; or



R.S.C. 1970,  
c. O-6

- (c) for every full \$48.00 of the amount by which the aggregate of the incomes for the base calendar year of the person and his spouse exceeds the product of twelve times the maximum amount of pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, if the person to whom the monthly benefit is paid is married either to a spouse who is not entitled to receive in the month an increment of a pension, a supplement or a monthly benefit, or to a spouse who is entitled to receive in the month a spouse's allowance.

Agreements  
with  
foreign  
countries

(4) Notwithstanding subsections 1 to 3, where the result of an international agreement concluded in accordance with section 22.2 of the *Old Age Security Act* (Canada) is that a person resident in Ontario becomes entitled to receive a supplement, the Lieutenant Governor in Council may make regulations respecting the manner in which this Act shall apply to any such case or class of cases affected by the agreement, for adapting this Act thereto, and for determining such person's or class of persons' entitlement to and the amount of, a monthly benefit under this Act, as appears to the Lieutenant Governor in Council to be necessary and advisable.

Interpre-  
tation

(5) In clauses *a*, *b* and *e* of section 1 and in sections 2 to 16, "increment" shall, unless the context otherwise requires, include the monthly benefit authorized to be paid by this section.

Regulations

(6) The Lieutenant Governor in Council may make regulations respecting the meaning of legal residence for the purpose of this section.

s. 2 (2) (a),  
re-enacted

3.—(1) Clause *a* of subsection 2 of section 2 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 33, section 2, is repealed and the following substituted therefor:

(a) subject to clause *d*, any month more than eleven months before the month in which the application is received.

s. 2 (6),  
amended

(2) Subsection 6 of the said section 2 is amended by inserting after "a" where it appears the first time in the fourth line and where it appears the first time in the sixth line "full".

- (3) Subsection 7 of the said section 2 is amended by inserting <sup>s. 2 (7),  
amended</sup> after "a" where it appears the second time in the first line and after "the" in the fourth line "full".

4. Subsection 1 of section 4 of the said Act, as re-enacted by <sup>s. 4 (1),  
amended</sup> the Statutes of Ontario, 1976, chapter 33, section 3, is amended by striking out "one year" in the fourth line and inserting in lieu thereof "eleven months".

- 5.—(1) Subsection 2 of section 5 of the said Act is amended by <sup>s. 5 (2),  
amended</sup> striking out all that part of the said subsection following "plus" in the twenty-third line and inserting in lieu thereof:

- (b) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business, divided by the number of months in that part of that calendar year and multiplied by twelve,

shall be deemed to be his income for the base calendar year.

- (2) Subsection 3 of the said section 5 is amended by striking <sup>s. 5 (3),  
amended</sup> out all that part of the said subsection following "plus" in the twentieth line and inserting in lieu thereof:

- (b) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered the loss, divided by the number of months in that part of that calendar year and multiplied by twelve,

shall be deemed to be his income for the base calendar year.

- (3) Subsection 4 of the said section 5 is amended by striking <sup>s. 5 (4),  
amended</sup> out all that part of the said subsection following "plus" in the thirty-fifth line and inserting in lieu thereof:

- (ii) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business, divided by the number of months in that part of that calendar year and multiplied by twelve,

shall be deemed to be his income for the base calendar year.

s. 5 (5),  
amended

- (4) Subsection 5 of the said section 5 is amended by striking out all that part of the said subsection following "plus" in the thirty-first line and inserting in lieu thereof:

- (ii) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss, divided by the number of months in that part of that calendar year and multiplied by twelve,

shall be deemed to be his income for the base calendar year.

s. 7 (1) (b),  
amended

6. Clause *b* of subsection 1 of section 7 of the said Act is amended by adding at the end thereof "except that no payment shall be made under this clause where the amount of such payment is less than \$5.00".

s. 8,  
amended

7. Section 8 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 33, section 4, is further amended by adding thereto the following subsection:

Administra-  
tion of oaths

(12) Any officer or employee in the Ministry of Community and Social Services who is authorized to administer oaths, take and receive affidavits, declarations and affirmations and any officer or employee in the Ministry of Revenue who is authorized by the Minister, may administer oaths, take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act, and every person so authorized has, with respect to any such oath, affidavit, declaration or affirmation, all the powers of a commissioner for taking affidavits.

s. 14,  
re-enacted

8. Section 14 of the said Act is repealed and the following substituted therefor:

Investigation

14.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are kept and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other docu-



ment that relates or may relate to the information that is or should be in the books or records or to the amount of an increment payable under this Act;

- (b) examine property described in any conveyance or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any application required by this Act or in ascertaining the information that is or should be in the books or records or in such application, or the amount of any increment payable under this Act;
- (c) require any person on the premises to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, he may require such person to attend at the premises or place with him; and
- (d) if during the course of any audit or examination it appears to him that there has been a violation of this Act or the regulations made under this Act, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Minister may, for any purpose relating to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person any information or additional information, or the production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents within such reasonable time as is stipulated therein, provided that, in the opinion of the Minister or of the person authorized by him, it is necessary to make the demand in order to determine eligibility or possible eligibility for an increment under this Act.

(3) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person

Production  
of  
documents  
and  
records to  
Minister

Copies of  
documents  
and  
records



thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

**Compliance**

(4) No person shall hinder or interfere with any person doing anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

**Offence**

(5) Every person who has failed to comply with or has contravened this section is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of \$100 or \$25 for each day during which the default continues, whichever is the greater.

**s. 15 (1) (d),  
amended**

**9.** Clause *d* of subsection 1 of section 15 of the said Act is amended by striking out "or 14".

**ss. 17, 18,  
repealed**

**10.** Sections 17 and 18 of the said Act are repealed.

**Commence-  
ment**

**11.—(1)** This Act, except sections 1 to 7, 9 and 10, comes into force on the day it receives Royal Assent.

**Idem**

(2) Sections 1 to 7, and 9 and 10 shall be deemed to have come into force on the 1st day of July, 1977.

**Short title**

**12.** The short title of this Act is *The Ontario Guaranteed Annual Income Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25*

*19 77*

ASSEMBLY PROROGUED

*December 16*

*19 77*

*Richard Lewis*

CLERK  
LEGISLATIVE ASSEMBLY



An Act to amend  
The Ontario Guaranteed Annual  
Income Act, 1974

---

*1st Reading*

October 20th, 1977

*2nd Reading*

November 8th, 1977

*3rd Reading*

November 8th, 1977

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---

*Pauline G. G. S. H. H.*  
**BILL 77**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Judicature Act**

---

THE HON. R. MCMURTRY  
Attorney General

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 77

1977

## An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *c* of subsection 1 of section 17 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 57, section 1, is repealed. s. 17 (1) (c),  
repealed
- (2) Clause *d* of subsection 1 of the said section 17 is amended by striking out "in court or in chambers" in the second and third lines. s. 17 (1) (d),  
amended
2. Clause *a* of subsection 1 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 57, section 3, is amended by striking out "in court or in chambers" in the second line. s. 29 (1) (a),  
amended
- 3.—(1) Sections 38 and 39 of the said Act are repealed and the following substituted therefor: s. 38,  
re-enacted,  
s. 39,  
repealed

38.—(1) In this section, "prime rate" means the lowest rate of interest quoted by chartered banks to the most credit-worthy borrowers for prime business loans, as determined and published by the Bank of Canada. Prime rate  
defined

(2) For the purposes of establishing the prime rate, the periodic publication entitled the Bank of Canada Review purporting to be published by the Bank of Canada is admissible in evidence as conclusive proof of the prime rate as set out therein, without further proof of the authenticity of the publication. Idem

(3) Subject to subsection 6, a person who is entitled to a judgment for the payment of money is entitled to claim and have included in the judgment an award of interest thereon, Prejudgment  
interest

- (a) at the prime rate existing for the month preceding the month on which the action was commenced; and
- (b) calculated,

- (i) where the judgment is given upon a liquidated claim, from the date the cause of action arose to the date of judgment, or
- (ii) where the judgment is given upon an unliquidated claim, from the date the person entitled gave notice in writing of his claim to the person liable therefor to the date of the judgment.

**Special  
damages**

(4) Where the judgment includes an amount for special damages, the interest calculated under subsection 3 shall be calculated on the balance of special damages incurred as totalled at the end of each six month period following the notice in writing referred to in subclause ii of clause b of subsection 3 and at the date of the judgment.

**Exclusions**

(5) Interest under this section shall not be awarded,

- (a) on exemplary or punitive damages;
- (b) on interest accruing under this section;
- (c) on an award of costs in the action;
- (d) on that part of the judgment that represents pecuniary loss arising after the date of the judgment and that is identified by a finding of the court;
- (e) except by consent of the judgment debtor where the judgment is given on consent;
- (f) where interest is payable by a right other than under this section.

**Discretion  
of judge**

(6) The judge may, where he considers it to be just to do so in all the circumstances,

- (a) disallow interest under this section;
- (b) fix a rate of interest higher or lower than the prime rate;
- (c) allow interest under this section for a period other than that provided,

in respect of the whole or any part of the amount for which judgment is given.

- (2) This section applies to the payment of money under judgments delivered after this section comes into force, but no interest shall be awarded under this section for a period before this section comes into force. Application of subs. 1

- 4.—(1) Section 41 of the said Act is amended by adding thereto the following subsections: s. 41, amended

(4) Any person who registers a certificate or caution referred to in subsection 1 without a reasonable claim to title to or interest in the land is liable for any damages sustained by any person as a result of its registration. Liability for unsubstantiated claim

(5) The liability for damages under subsection 4 and the amount thereof may be determined in an action commenced therefor in the court in which the certificate is issued or by application in the proceeding for an order to vacate the caution or certificate or in the action or proceeding in which the question of title to or interest in the land is determined. Recovery of damages

- (2) This section does not apply in respect of cautions or certificates registered before this section comes into force. Application

- 5.—(1) Subsection 2 of section 42 of the said Act is amended by striking out "High Court" in the eighth and ninth lines and inserting in lieu thereof "court in which the action or proceeding was commenced". s. 42 (2), amended

- (2) Subsection 3 of the said section 42 is amended by striking out "High Court" in the first line and inserting in lieu thereof "court in which the action or proceeding was commenced". s. 42 (3), amended

- (3) Subsection 5 of the said section 42 is repealed and the following substituted therefor: s. 42 (5), re-enacted

(5) The order vacating a caution or certificate is subject to appeal according to the practice in like cases and may be registered in the same manner as a judgment affecting land, except that the judge granting the order may order a stay of the registration for the purposes of the appeal. Appeal

- (4) The said section 42, as amended by the Statutes of Ontario, 1974, chapter 81, section 2, is further amended by adding thereto the following subsection: s. 42, amended



Jurisdiction  
of local  
judge

(7) The jurisdiction of a judge of the High Court under this section and section 41 may be exercised by a local judge of the High Court.

s. 69 (6),  
amended

6. Subsection 6 of section 69 of the said Act is amended by striking out "sitting in chambers" in the second line.

s. 94 (1),  
re-enacted

7. Subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

Holiday  
defined

(1) In this section, "holiday" means,

(a) Saturday;

(b) Sunday;

R.S.O. 1970,  
c. 386

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*.

s. 114 (10) (f),  
amended

8.—(1) Clause *f* of subsection 10 of section 114 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 30, section 6, is further amended by striking out "in chambers" in the tenth and eleventh lines.

s. 114 (10),  
amended

(2) Subsection 10 of the said section 114, as amended by the Statutes of Ontario, 1971, chapter 57, section 4 and 1975, chapter 30, section 6, is further amended by adding thereto the following clause:

(*fa*) prescribing motions that need not be heard in open court.

s. 114a,  
enacted

9. The said Act is amended by adding thereto the following section:

Motions in  
open court

114a. Notwithstanding the provisions of this or any other Act or regulation, all motions and applications shall be heard in open court, except as provided by the rules.

s. 115 (2),  
amended

10. Subsection 2 of section 115 of the said Act is amended by striking out "Lieutenant Governor" in the first line and inserting in lieu thereof "Attorney General".

s. 116 (3),  
repealed

11. Subsection 3 of section 116 of the said Act is repealed.

s. 123,  
amended

12. Section 123 of the said Act is amended by inserting after "82" in the fourth line "114a".

13. Section 125 of the said Act is amended by striking out "or in chambers" in the first and second lines. <sup>s. 125, amended</sup>
14. Subsection 2 of section 1 and sections 2, 6, 8, 9, 12 and 13 do not apply in respect of motions commenced before those sections come into force. <sup>Application of ss. 1 (2), 2, 6, 8, 11, 12</sup>
- 15.—(1) This Act, except subsection 2 of section 1, and sections 2, 6, 8, 9, 12 and 13, comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
- (2) Subsection 2 of section 1 and sections 2, 6, 8, 9, 12 and 13 come into force on a day to be named by proclamation of the Lieutenant Governor. <sup>Idem</sup>
16. The short title of this Act is *The Judicature Amendment Act*, 1977. <sup>Short title</sup>

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25 1977*

ASSEMBLY PROROGUED

*December 16 1977*

*Roderick Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY

An Act to amend  
The Judicature Act

---

*1st Reading*

October 25th, 1977

*2nd Reading*

November 1st, 1977

*3rd Reading*

November 8th, 1977

---

THE HON. R. MCMURTRY  
Attorney General

---

*Bill 78*  
BILL 78

*1. amending the County Judges Act*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The County Judges Act**

---

THE HON. R. MCMURTRY  
Attorney General

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



1894

THE UNIVERSITY OF CHICAGO

1894

BILL 78

1977

## An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The County Judges Act*, being chapter 95 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1,  
re-enacted

1. In addition to the judges otherwise provided for in this Act, a Chief Judge of the County and District Courts, herein referred to as the chief judge, and an Associate Chief Judge of the County and District Courts may be appointed, and they shall have all the powers of a judge throughout Ontario. Chief  
Judge and  
Associate  
Chief Judge

2. Subsection 2 of section 5 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 15, section 2, is repealed and the following substituted therefor: s. 5 (2),  
re-enacted

(2) The chief judge has rank and precedence over all other judges and, after the associate chief judge, the judges, junior judges and supernumerary judges have rank and precedence among themselves according to seniority of appointment. Rank and  
precedence

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

4. The short title of this Act is *The County Judges Amendment Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR, Nov 4 1977

ASSEMBLY PROROGUED December 10 1977

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY

An Act to amend  
The County Judges Act

---

*1st Reading*

October 25th, 1977

*2nd Reading*

November 1st, 1977

*3rd Reading*

November 1st, 1977

---

THE HON. R. MCMURTRY  
Attorney General

---

*2*  
**BILL 79**

*1. amending the*  
*Leg. L.S. Hon*

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Judicature Act**

---

THE HON. R. MCMURTRY  
Attorney General

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





## An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Judicature Act*, being <sup>s. 4 (1),</sup> amended chapter 228 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 81, section 1, is further amended by inserting after "Ontario" in the third line "an Associate Chief Justice of Ontario".

(2) Subsection 2 of the said section 4 is repealed and the <sup>s. 4 (2),</sup> re-enacted following substituted therefor:

(2) Where the Chief Justice of Ontario is absent from <sup>Absence of</sup> the Judicial District of York or where he is for any reason <sup>Chief</sup> unable to act, his powers and duties as president of the Court of Appeal shall be exercised and performed by the Associate Chief Justice of Ontario in his stead or, where both are absent or unable to act by the senior justice of appeal who is able to act. <sup>Justice</sup>

2.—(1) Subsection 1 of section 5 of the said Act, as amended <sup>s. 5 (1),</sup> amended by the Statutes of Ontario, 1976, chapter 86, section 1, is further amended by striking out "and thirty-seven other judges" in the third line and in the amendment of 1976 and inserting in lieu thereof "an Associate Chief Justice of the High Court, and forty other judges".

(2) Subsection 2 of the said section 5 is repealed and the <sup>s. 5 (2),</sup> re-enacted following substituted therefor:

(2) Where the Chief Justice of the High Court is absent <sup>Absence of</sup> from Ontario or where he is for any reason unable to act, <sup>Chief Justice</sup> his powers shall be exercised and his duties performed by the Associate Chief Justice of the High Court in his stead or, where both are absent or unable to act, by the senior judge of the High Court who is able to act. <sup>of the</sup> <sup>High Court</sup>

s. 8,  
amended

- 3.—(1) Section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 159, section 3, is further amended by adding thereto the following subsection:

Idem

(2a) The Associate Chief Justice of Ontario has rank and precedence next after the Chief Justice of the High Court and the Associate Chief Justice of the High Court has rank and precedence next after the Associate Chief Justice of Ontario.

s. 8 (3),  
amended

- (2) Subsection 3 of the said section 8, as amended by the Statutes of Ontario, 1972, chapter 159, section 3, is further amended by inserting after "the" where it occurs the first time in the second line "Associate".

Commence-  
ment

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is *The Judicature Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 4 1977

ASSEMBLY PROROGUED December 16 1977

*Robert G. ...*

CLERK  
LEGISLATIVE ASSEMBLY









An Act to amend  
The Judicature Act

---

*1st Reading*

October 25th, 1977

*2nd Reading*

November 1st, 1977

*3rd Reading*

November 1st, 1977

---

THE HON. R. McMURTRY  
Attorney General

---

*Pauline G. L. H.*  
**BILL 80**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Provincial Courts Act**

---

THE HON. R. MCMURTRY  
Attorney General

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



1897 - 1898

...

...

...

...

...

BILL 80

1977

## An Act to amend The Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 10 of *The Provincial Courts Act*, being <sup>s. 10 (2), re-enacted</sup> chapter 369 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(2) The Lieutenant Governor in Council may appoint a <sup>Associate chief judges</sup> judge as associate chief judge of the provincial courts (criminal division) and a judge as associate chief judge of the provincial courts (family division).

- 2.—(1) Subsection 3 of section 26 of the said Act is amended by <sup>s. 26 (3), amended</sup> adding thereto the following clause:

(ba) providing for the taxation of costs and prescribing tariffs therefor.

- (2) The said section 26 is amended by adding thereto the <sup>s. 26, amended</sup> following subsection:

(5) Section 82 of *The Judicature Act* applies to the pro- <sup>Costs R.S.O. 1970, c. 228</sup> vincial court (family division) and to judges presiding in the court.

3. This Act comes into force on the day it receives Royal Assent. <sup>Commence- ment</sup>
4. The short title of this Act is *The Provincial Courts Amendment Act, 1977*. <sup>Short title</sup>

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 4 19 77

ASSEMBLY PROROGUED December 16 19 77

*Robert Lewis*

CLERK  
LEGISLATIVE ASSEMBLY

An Act to amend  
The Provincial Courts Act

---

*1st Reading*

October 25th, 1977

*2nd Reading*

November 1st, 1977

*3rd Reading*

November 1st, 1977

---

THE HON. R. MCMURTRY  
Attorney General

---

*Pauline R. L. S. Hon*  
**BILL 81**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Small Claims Courts Act**

---

THE HON. R. MCMURTRY  
Attorney General

---





## An Act to amend The Small Claims Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Small Claims Courts Act*, s. 1 (1), being chapter 439 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(la) "registered mail" includes certified mail where evidence of delivery is returned to the sender.

2. Section 11 of the said Act is repealed and the following substituted therefor: s. 11, re-enacted

11.—(1) The Lieutenant Governor in Council on the recommendation of the Attorney General may appoint such small claims court judges as are considered necessary. Appointment of judges

(2) Every judge appointed under this section shall take Oath and subscribe the following oath before the Chief Judge of the County and District Courts or a judge designated by him:

I, .....  
do swear that I will truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of the Small Claims Courts, so help me God.

and also the oath of allegiance as required by *The Public Officers Act*. R.S.O. 1970, c. 382

(3) The oath of office and oath of allegiance shall be transmitted forthwith to the Inspector of Legal Offices and shall be filed in his office. Filing of oaths

(4) A judge appointed under this section may be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if, Removal for cause

(a) the circumstances respecting the misbehaviour or inability are first inquired into; and

(b) the judge is given reasonable notice of the time and place for the inquiry and is afforded a opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

#### Inquiry

(5) For the purpose of making an inquiry under subsection 4, the Lieutenant Governor in Council may appoint one or more judges of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has the powers of a Commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

#### Order for removal

(6) An order removing a judge from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session.

#### Retirement

11a.—(1) Every judge appointed under section 11 shall retire upon attaining the age of sixty-five years.

#### Reappointment

(2) Upon attaining an age for retirement under subsection 1, a judge may be reappointed to hold office during pleasure but shall not hold office after attaining the age of seventy-five years.

#### Resignation

(3) A judge may at any time resign his office in writing signed by him and delivered to the Attorney General.

#### Judicial Council

11b. The Judicial Council for Provincial Judges has the same powers and shall perform the same duties in respect of small claims court judges appointed under section 11 as it has and performs under *The Provincial Courts Act* in respect of provincial judges.

R.S.O. 1970,  
c. 369

#### s. 18, amended

3. Section 18 of the said Act is amended by adding thereto the following subsection:

#### Referees

(2) The Lieutenant Governor may appoint a referee for each small claims court who shall hold office during pleasure.

4. Clauses *a* and *b* of section 54 of the said Act are repealed <sup>s. 54 (a, b),  
re-enacted</sup> and the following substituted therefor:

- (a) any action where the amount claimed does not exceed \$1,000 exclusive of interest;
- (b) any action of replevin where the value of property distrained, taken or detained does not exceed \$1,000; and

- 5.—(1) The said Act is amended by adding thereto the following <sup>s. 54a,  
enacted</sup> section:

54a.—(1) In this section, "prime rate" means the lowest <sup>Prime  
rate  
defined</sup> rate of interest quoted by chartered banks to the most credit-worthy borrowers for prime business loans, as determined and published by the Bank of Canada.

(2) For the purposes of establishing the prime rate, the <sup>Idem</sup> periodic publication entitled the Bank of Canada Review purporting to be published by the Bank of Canada is admissible in evidence as conclusive proof of the prime rate as set out therein, without further proof of the authenticity of the publication.

(3) Subject to subsection 6, a person who is entitled to a <sup>Prejudgment  
interest</sup> judgment for the payment of money is entitled to claim and have included in the judgment an award of interest thereon,

- (a) at the prime rate existing for the month preceding the month on which the action was commenced; and

- (b) calculated,

- (i) where the judgment is given upon a liquidated claim, from the date the cause of action arose to the date of judgment, or
- (ii) where the judgment is given upon an unliquidated claim, from the date the person entitled gave notice in writing of his claim to the person liable therefor to the date of the judgment.

(4) Where the judgment includes an amount for special <sup>Special  
damages</sup> damages, the interest calculated under subsection 3 shall be calculated on the balance of special damages incurred as totalled at the end of each six month period following the



notice in writing referred to in subclause ii of clause *b* of subsection 3 and at the date of the judgment.

**Exclusions**

- (5) Interest under this section shall not be awarded,
- (a) on exemplary or punitive damages;
  - (b) on interest accruing under this section;
  - (c) on an award of costs in the action;
  - (d) on that part of the judgment that represents pecuniary loss arising after the date of the judgment and that is identified by a finding of the court;
  - (e) except by consent of the judgment debtor where the judgment is given on consent;
  - (f) where interest is payable by a right other than under this section.

**Discretion of judge**

(6) The judge may, where he considers it to be just to do so in all the circumstances,

- (a) disallow interest under this section;
- (b) fix a rate of interest higher or lower than the prime rate;
- (c) allow interest under this section for a period other than that provided,

in respect of the whole or any part of the amount for which judgment is given.

**Application of subs. 1**

- (2) This section applies to the payment of money under judgments delivered after this section comes into force, but no interest shall be awarded under this section for a period before this section comes into force.

**s. 69, repealed**

**6.—**(1) Section 69 of the said Act is repealed.

**Application of subs. 1**

- (2) Subsection 1 does not apply in respect of actions commenced before subsection 1 comes into force.

**s. 96a, enacted**

**7.** The said Act is further amended by adding thereto the following section:

**What is admissible in evidence at a hearing**

96a.—(1) Subject to subsections 2 and 3, the judge may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in the Supreme Court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the subject-matter of the proceedings and may act on such evidence, but the judge may exclude anything unduly repetitious.

(2) Nothing is admissible in evidence at a hearing,

What is  
inadmissible  
in evidence  
at a  
hearing

(a) that would be inadmissible by reason of any privilege under the law of evidence; or

(b) that is inadmissible by any statute.

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings.

Conflicts

(4) Where the judge is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Copies

8. Sections 98 and 99 of the said Act are repealed.

ss. 98, 99,  
repealed

9.—(1) Subsection 1 of section 104 of the said Act is amended by inserting after "solicitor" in the third line "or student articulated to the solicitor".

s. 104 (1),  
amended

(2) Subsection 2 of the said section 104 is amended by inserting after "solicitor" in the third line "or student articulated to the solicitor".

s. 104 (2),  
amended

10. Clauses *a* and *b* of subsection 1 of section 108 of the said Act are repealed and the following substituted therefor:

s. 108 (1) (a, b),  
re-enacted

(a) in an action or garnishee proceeding where the sum in dispute exceeds \$500, exclusive of costs;

(b) in interpleader where the money or the value of the goods or chattels claimed or proceeds thereof exceed \$500, or where the damages claimed by or awarded to either party against the other or against a bailiff exceeds the sum of \$300.

11. Subsection 1 of section 112 of the said Act, as amended by the Revised Statutes of Ontario, 1970, chapter 439, section 112, subsection 3, is repealed and the following substituted therefor:

s. 112 (1),  
re-enacted

## Appeal

(1) The appeal shall be made in the time and manner prescribed by the rules of court and the Chief Justice of the High Court may, after the appeal is perfected and where it appears to him that no issue of general interest is raised and that expedition and the interests of the parties would be thereby best served, order that the appeal be heard by a single judge of the Divisional Court and a decision of the judge shall be deemed to be a decision of the Divisional Court.

s. 116,  
amended

- 12.** Section 116 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 107, section 4, is further amended by adding thereto the following subsection:

Rate of  
interest  
after  
judgment

(2a) The interest payable under subsection 2 shall be at the same rate as may be levied under a writ of execution issued out of the Supreme Court, but a judge may order that no interest is payable in respect of moneys owing under a consolidation order that is not in default.

s. 131 (5),  
amended

- 13.—**(1) Subsection 5 of section 131 of the said Act is amended by inserting after "served" in the first line "by mail or, if directed by the judge,".

s. 131 (7),  
re-enacted

- (2) Subsection 7 of the said section 131 is repealed and the following substituted therefor:

Place of  
examination

(7) The examination shall not be held in open court unless the judge is satisfied there is good reason to hold it in public.

s. 132 (2),  
amended

- 14.** Subsection 2 of section 132 of the said Act is amended by inserting after "served" in the first line "by mail or, if directed by the judge,".

s. 135 (1),  
amended

- 15.** Subsection 1 of section 135 of the said Act is amended by striking out "registered mail" in the sixth line and inserting in lieu thereof "mail or served personally as directed by the judge".

s. 151,  
repealed

- 16.—**(1) Section 151 of the said Act is repealed.

Application  
of subs. 1

- (2) Subsection 1 does not apply in respect of garnishees issued before this section comes into force.

s. 184,  
re-enacted

- 17.** Section 184 of the said Act is repealed and the following substituted therefor:

Destruction  
of documents

184. Where books, documents or papers have been preserved in a small claims court for so long that it appears that they need not be preserved any longer, the Chief Judge



of the County and District Courts may make an order authorizing the Inspector to cause their destruction or other disposition.

18. Subsection 1 of section 190 of the said Act is repealed. s. 190 (1),  
repealed
19. Subsection 2 of section 193 of the said Act is repealed. s. 193 (2),  
repealed
- 20.—(1) Clause *aa* of subsection 1 of section 195 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 107, section 7, is amended by inserting after "clerks" in the first line "referees". s. 195 (1) (*aa*),  
amended
- (2) Clause *b* of subsection 1 of the said section 195 is amended by inserting after "clerks" in the first line "referees". s. 195 (1) (*b*),  
amended
- (3) Subsection 1 of the said section 195, as amended by the Statutes of Ontario, 1972, chapter 107, section 7, is further amended by adding thereto the following clauses: s. 195 (1),  
amended
- (da) prescribing the duties, responsibilities and functions of referees;
- (db) fixing the remuneration of judges appointed under section 11 and providing for the benefits to which such judges are entitled, including,
- (i) leave of absence and vacations,
- (ii) sick leave credits and payments in respect of such credits,
- (iii) pension benefits for judges and their widows and surviving children,
- and for the transfer or other disposition of benefits in respect thereof to which persons appointed as judges under section 11 were entitled under *The Public Service Act* or *The Public Service Superannuation Act* at the time of their appointment under section 11. R.S.O. 1970,  
cc. 386, 387
21. Part II of the said Act, as amended by the Revised Statutes of Ontario, 1970, chapter 439, section 197, subsection 3, is repealed. Part II  
(ss. 196-198),  
repealed

22. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

23. The short title of this Act is *The Small Claims Courts Amendment Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 25 19 77

ASSEMBLY PROROGUED December 16 19 77

*Robert Lewis*  
CLERK







An Act to amend  
The Small Claims Courts Act

---

*1st Reading*

October 25th, 1977

*2nd Reading*

November 1st, 1977

*3rd Reading*

November 8th, 1977

---

THE HON. R. MCMURTRY  
Attorney General

---

*Pauline P. S. H.*

**BILL 84**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Public Transportation and  
Highway Improvement Act**

---

THE HON. J. W. SNOW  
Minister of Transportation and Communications

---





BILL 84

1977

## An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 20,  
re-enacted

20.—(1) The Minister and any municipality, including a district, metropolitan or regional municipality, may enter into an agreement for the preparation of a report on the whole or any part of the transportation or highway system required to meet the needs of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report. Trans-  
portation  
needs study  
report

(2) The Minister and any municipality, including a district, metropolitan or regional municipality, may enter into an agreement to provide all or any part of an experimental or demonstration project related to the transportation or highway system of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the project. Trans-  
portation  
experimental  
project

2. Subsection 1 of section 22 of the said Act is repealed and the following substituted therefor: s. 22 (1),  
re-enacted

(1) The Minister, with the consent of the authority or person having jurisdiction and control over the road, may relocate, alter or divert any public or private road entering or touching upon or giving access to a highway under the jurisdiction and control of the Minister. Relocation,  
etc., of  
approaches  
to highway

(1a) The cost of the changes made pursuant to subsection 1 shall be deemed to be part of the cost of the construction of the highway. During  
repairs road  
deemed to  
be King's  
Highway

struction of the King's Highway and during the period when the changes are being made that portion of the road being relocated, altered or diverted shall be deemed to be a King's Highway for the purposes of section 30.

s. 24,  
amended

3. Section 24 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 67, section 9, is further amended by adding thereto the following subsection:

Agreement  
for road  
construction

(1a) The Minister may enter into agreements to construct and maintain roads for and on behalf of a Minister of the Crown, an agency of the Crown or Ontario Hydro.

s. 30 (9),  
re-enacted

4. Subsection 9 of section 30 of the said Act is repealed and the following substituted therefor:

Action to  
be tried  
without jury

(9) An action against the Crown under this section shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which the default occurred unless otherwise ordered upon an application by any party.

s. 41 (1),  
amended

5. Subsection 1 of section 41 of the said Act is amended by inserting after "roads" in the fifth line "between the county and a region,".

s. 86 (1),  
re-enacted

6. Subsection 1 of section 86 of the said Act is repealed and the following substituted therefor:

Arrange-  
ments for  
construction  
or  
maintenance

(1) The Minister may arrange with,

R.S.O. 1970,  
c. 256

(a) the Government of Canada;

(b) the local roads board elected under *The Local Roads Boards Act*;

R.S.O. 1970,  
c. 445

(c) the roads commissioners elected under *The Statute Labour Act*; or

(d) a person who is the owner of land,

for the construction or maintenance of a road in territory without municipal organization, and the Minister may direct payment out of moneys appropriated therefor by the Legislature of an amount equal to such proportion of the cost of the work as he considers requisite.

s. 91a (2),  
amended

- 7.—(1) Subsection 2 of section 91a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 67, section 22

is amended by inserting after "municipality" in the first line "or other person".

- (2) Subsection 3 of the said section 91a is amended by striking out "to a municipality" in the first line and by striking out "by the municipality" in the second line and inserting in lieu thereof "pursuant to an agreement under subsection 2". <sup>s. 91a (3), amended</sup>
8. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
9. The short title of this Act is *The Public Transportation and Highway Improvement Amendment Act, 1977*. <sup>Short title</sup>

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Nov 25* 19 *77*

ASSEMBLY PROROGUED

*December 16* 19 *77*

*Robert Lewis*

CLERK  
LEGISLATIVE ASSEMBLY



The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors which have shaped the development of the United States, including the influence of the European settlers, the Native Americans, and the African slaves. The paper concludes by stating that the study of the history of the United States is a task of great importance, and that it is one which should be undertaken by all who are interested in the future of the country.

The second part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors which have shaped the development of the United States, including the influence of the European settlers, the Native Americans, and the African slaves. The paper concludes by stating that the study of the history of the United States is a task of great importance, and that it is one which should be undertaken by all who are interested in the future of the country.

The third part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors which have shaped the development of the United States, including the influence of the European settlers, the Native Americans, and the African slaves. The paper concludes by stating that the study of the history of the United States is a task of great importance, and that it is one which should be undertaken by all who are interested in the future of the country.

The fourth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors which have shaped the development of the United States, including the influence of the European settlers, the Native Americans, and the African slaves. The paper concludes by stating that the study of the history of the United States is a task of great importance, and that it is one which should be undertaken by all who are interested in the future of the country.

The fifth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors which have shaped the development of the United States, including the influence of the European settlers, the Native Americans, and the African slaves. The paper concludes by stating that the study of the history of the United States is a task of great importance, and that it is one which should be undertaken by all who are interested in the future of the country.



An Act to amend  
The Public Transportation and  
Highway Improvement Act

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 8th, 1977

*3rd Reading*

November 8th, 1977

---

THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

---

*Pauline G. G. S. H.*  
BILL 85

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Highway Traffic Act**

---

THE HON. J. W. SNOW  
Minister of Transportation and Communications

---





BILL 85

1977

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, and amended by 1974, chapter 123, section 3, is further amended by adding thereto the following subsection:

(7) Documents filed with the Ministry relating to mental and physical, including ophthalmic and auditory, examinations pursuant to this section are privileged for the information of the Ministry only and shall not be open for public inspection. Documents  
privileged

2. Subsection 2 of section 15 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 167, section 5, is further amended by striking out "thirty" in the second line and inserting in lieu thereof "sixty". s. 15 (2).  
amended
3. Section 18 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 8, is repealed and the following substituted therefor: s. 18.  
re-enacted

18.—(1) No person under the age of sixteen years shall drive or operate a motor vehicle, road-building machine, self-propelled implement of husbandry or farm tractor on a highway. Drivers  
under 16  
prohibited

(2) No person shall employ or permit anyone under the age of sixteen years to drive or operate a motor vehicle, road-building machine, self-propelled implement of husbandry or farm tractor on a highway. Employment  
of drivers  
under 16  
prohibited

(3) Subsections 1 and 2 do not apply in respect of the driving or operating of a self-propelled implement of husbandry or farm tractor directly across a highway. Exception

s. 20 (1),  
re-enacted

4. Subsection 1 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 37, section 3, is repealed and the following substituted therefor:

Suspension  
on conviction  
for certain  
offences  
R.S.C. 1970,  
c. C-34

(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or of an offence under section 233, 234 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act or of an offence under section 234.1 or 235 of the *Criminal Code* (Canada) committed in relation to the driving or care or control of a motor vehicle as defined in this Act is thereupon and hereby suspended for a period of,

(a) upon the first conviction, three months; and

(b) upon a subsequent conviction, six months,

provided that where an order has been made before the 26th day of April, 1976 under subsection 1 of section 238 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

s. 32,  
re-enacted

5. Section 32 of the said Act is repealed and the following substituted therefor:

Suspension  
on appeal

32. If a person whose licence has been suspended enters an appeal against his conviction and serves notice of the appeal on the Registrar, the suspension does not apply from the time notice is served on the Registrar unless the conviction is sustained on appeal.

s. 37 (3),  
amended

6. Subsection 3 of section 37 of the said Act is amended by striking out "subsection 1" in the third line and inserting in lieu thereof "subsections 1, 1a and 1b".

s. 41a,  
enacted

7. The said Act is amended by adding thereto the following section:

Extended  
mirrors

41a. No person shall operate or drive upon a highway a motor vehicle, other than a commercial motor vehicle, which has attached thereto any mirror or mirrors which extend more than twelve inches from the side of the vehicle, except when the motor vehicle is towing another vehicle.

s. 58b (6),  
re-enacted

8. Subsection 6 of section 58b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor:



(6) Subsections 1, 2 and 3 do not apply to the sale or transfer of a used motor vehicle to a motor vehicle dealer who,

Sale or transfer to motor vehicle dealer or holder of exemption certificate  
R.S.O. 1970, c. 475

(a) is registered under *The Motor Vehicle Dealers Act*; or

(b) holds an exemption certificate issued by the Registrar issued pursuant to that Act.

9. Section 58l of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8 and amended by 1974, chapter 123, section 16, is further amended by adding thereto the following subsection:

s. 58l, amended

(1a) Notwithstanding subsection 5 of section 6 of *The Summary Convictions Act*, every summons issued for a contravention of any provision of sections 58 to 58l or any regulation made under section 58m shall be served by sending it by prepaid post or by personal service within six months of the alleged contravention.

Service of summons  
R.S.O. 1970, c. 450

10.—(1) Subsection 1 of section 60 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 19, is further amended by adding thereto the following clauses:

s. 60 (1), amended

(d) providing for and requiring the identification and marking of vehicles or any class or classes thereof;

(e) prescribing the types or classes of vehicles to which subsection 2a applies.

(2) The said section 60 is amended by adding thereto the following subsection:

s. 60, amended

(2a) No person shall sell, offer or expose for sale any new vehicle of a type or class prescribed by the regulations made under clause e of subsection 1 that does not comply with the standards and specifications prescribed by the regulations or that is not marked or identified as prescribed by the regulations.

Prohibition re sale where non-compliance with regulations

(3) Subsection 3 of the said section 60 is amended by inserting after "provisions" in the first line "of this section or".

s. 60 (3), amended

11. Section 69 of the said Act is amended by adding thereto the following subsection:

s. 69, amended

(1a) Any regulation made under subsection 1 may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any

Codes



code or standard, or any regulation made by the Government of Canada, and may require compliance with any code or standard or regulation that is so adopted.

s. 82 (12),  
amended

- 12.** Subsection 12 of section 82 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 19, section 3, is further amended by striking out "city" in the first line and inserting in lieu thereof "county, township, city".

s. 96 (20, 21),  
re-enacted

- 13.** Subsections 20 and 21 of section 96 of the said Act are repealed and the following substituted therefor:

Idem

(20) No signal-light traffic control system shall be erected unless approval has been obtained from the Ministry or an officer of the Ministry authorized by the Minister in writing to grant such approval.

Idem

(21) Additional signal-lights may be installed with the approval of the Ministry or an officer referred to in subsection 20 for use in conjunction with any signal-light traffic control system.

s. 120 (6),  
amended

- 14.** Subsection 6 of section 120 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 29 and 1975, chapter 64, section 1, is further amended by adding thereto the following clauses:

(g) prescribing the books and records that shall be kept by persons who operate vehicles used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;

(h) prescribing the entries to be made in a book issued by the Ministry and requiring the use of such book by the driver and by the operator of a vehicle used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;

(i) prescribing fees for the issue of the books referred to in clause h.

s. 128 (2),  
re-enacted

- 15.** Subsection 2 of section 128 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 31 and 1975, chapter 78, section 9, is repealed and the following substituted therefor:

Prohibiting  
motor  
assisted  
bicycles,  
etc., on  
municipal  
highways

(2) The council of a municipality may by by-law prohibit pedestrians or the use of motor assisted bicycles, bicycle

wheelchairs or animals on any highway or portion of a highway under its jurisdiction.

- 16.—(1) Subsection 3 of section 132 of the said Act is repealed. <sup>s. 132 (3),  
repealed</sup>
- (2) Notwithstanding subsection 1, the said subsection 3 of <sup>Exception</sup> section 132 continues in force in respect of a cause of action arising before this section comes into force.
17. Subsection 1 of section 139 of the said Act, as amended by <sup>s. 139 (1),  
amended</sup> the Statutes of Ontario, 1975, chapter 78, section 10, is further amended by striking out "\$200" in the fourth line and inserting in lieu thereof "\$400".
18. Subsection 1 of section 142 of the said Act is amended by <sup>s. 142 (1),  
amended</sup> striking out "Every coroner who investigates, and" in the first line.
- 19.—(1) This Act, except sections 7, 16 and 17, comes into force <sup>Commence-  
ment</sup> on the day it receives Royal Assent.
- (2) Sections 7 and 17 come into force on the 1st day of <sup>Idem</sup> January, 1978.
- (3) Section 16 comes into force on a day to be named by <sup>Idem</sup> proclamation of the Lieutenant Governor.
20. The short title of this Act is *The Highway Traffic Amendment Act, 1977*. <sup>Short title</sup>

ASSENTED TO BY LIEUTENANT-GOVERNOR

ASSEMBLY PROROGUED

CLERK  
LEGISLATIVE ASSEMBLY

An Act to amend  
The Highway Traffic Act

---

*1st Reading*

October 27th, 1977

*2nd Reading*

November 8th, 1977

*3rd Reading*

November 8th, 1977

---

THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

---

*Pauline G. G. S. H.*  
BILL 88

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend  
The Corporations Tax Act, 1972**

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---





BILL 88

1977

**An Act to amend  
The Corporations Tax Act, 1972**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Corporations Tax Act, 1972*, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 1, 1974, chapter 75, section 1, 1975, chapter 17, section 1 and 1976, chapter 32, section 1, is repealed and the following substituted therefor: s. 1.  
re-enacted

1.—(1) In this Act and in the application of the provisions of the *Income Tax Act* (Canada) that are by this Act made applicable for the purposes of this Act, Interpre-  
tation  
R.S.C. 1952,  
c. 148

- (a) each of the interpretations contained in Part XVII of the *Income Tax Act* (Canada) are, except as hereinafter provided, applicable for the purposes of this Act;
- (b) the interpretations contained in the said Part XVII of the expressions "farming", "foreign resource property", "Minister", "paid-up capital", "regulations", "taxable income", "taxable income earned in Canada" and "tax payable" do not apply and in lieu thereof the following interpretations are applicable:
  - (i) "farming" includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit growing, and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming and, for the purposes of subsection 2 of section 135 only, does not include the maintaining of horses for racing,

R.S.C. 1952,  
c. 148

- (ii) "foreign resource property" has the meaning given to that expression by section 15 of this Act,
  - (iii) "Minister" means, unless otherwise provided in this Act, the Minister of Revenue,
  - (iv) "paid-up capital" has the meaning given to that expression by paragraph *c* of subsection 1 of section 89 of the *Income Tax Act* (Canada), but such meaning does not apply for the purposes of Part III of this Act,
  - (v) "regulations" means regulations made under this Act,
  - (vi) "tax payable" by a corporation under any part of the Act means the tax payable by the corporation as fixed by assessment or reassessment subject to variation on objection or appeal, if any, in accordance with section 154 to 160*b*, as the case may be,
  - (vii) "taxable income" has the meaning given to that expression by section 9 of this Act,
  - (viii) "taxable income earned in Canada" has the meaning given to that expression by section 10 of this Act;
- R.S.C. 1970,  
cc. B-1, B-4
- (c) "bank" means a bank to which the *Bank Act* (Canada) or the *Quebec Savings Banks Act* (Canada) applies;
  - (d) "family farm corporation" means a corporation that is throughout the taxation year a corporation
    - (i) every share of the capital stock of which that confers on the holder thereof the right to vote was owned by an individual ordinarily resident in Canada or by any such individual and a member or members of his family ordinarily resident in Canada or by another family farm corporation,
    - (ii) 95 per cent of the assets of which were farming assets, and

- (iii) which carried on the business of farming in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the farm;
- (e) "farming assets" of a family farm corporation means,
- (i) cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming,
  - (ii) land, buildings, equipment, machinery, and live stock that are used chiefly in the operation of the farm by the corporation,
  - (iii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,
  - (iv) the building in which a shareholder or member or members of his family reside who are engaged in the operation of the farm if that building is on land that is used or is contiguous to land used by that shareholder or member or members of his family in the operation of the farm,
  - (v) shares in another family farm corporation;
- (f) "jurisdiction" means a province or territory of Canada or a state outside Canada having sovereign power;
- (g) "member of his family" means, with respect to an individual referred to in clause *d*,
- (i) his spouse,
  - (ii) his child,
  - (iii) his father, mother, brother or sister or any lawful descendant of such brother or sister,
  - (iv) the brother or sister of his father or mother or any lawful descendant of any such brother or sister,



(v) the father, mother or any brother or sister of his spouse or any lawful descendant of any such brother or sister,

(vi) his son-in-law or daughter-in-law,

R.S.O. 1970,  
c. 64

(vii) a person adopted by him under *The Child Welfare Act* or the spouse or any lawful descendant of such person, or

(viii) his grandfather or grandmother;

(h) "permanent establishment" has the meaning given to that expression by section 7;

(i) "timber royalty" includes any consideration for a right under or pursuant to which a right to cut or take timber from a timber limit in Canada is obtained or derived, to the extent that such consideration is dependent upon, and computed by reference to, the amount of timber cut or taken.

Idem  
R.S.C. 1952,  
c. 148

(2) In the application of the sections of the *Income Tax Act* (Canada) that by this Act are made applicable for the purposes of this Act,

(a) "capital cost" means the cost of property as determined for the purposes of this Act;

(b) "undepreciated capital cost" means the undepreciated capital cost of depreciable property as determined for the purposes of this Act;

(c) the references therein to,

(i) returns required to be filed under section 151 of that Act shall be deemed to be reference to the returns required to be filed under section 145 of this Act, and

(ii) assessments to be made under section 151 of that Act shall be deemed to be reference to assessments to be made under section 151 of this Act;

(d) where a section of that Act has been made applicable for the purposes of this Act, and reference is made in that section to another provision (herein

after in this clause referred to as the "other provision") of that Act which,

- (i) does not apply for the purposes of this Act,
- (ii) does not apply for the purposes of this Act because a provision of this Act is enacted to apply in lieu thereof, or
- (iii) in respect of which the application for the purposes of this Act differs,

the following rules apply in the application of the section for the purposes of this Act,

- (iv) where subclause i applies, the section (except sections 20, 56, 60, paragraph *f* of subsection 1 of section 95 and section 138 of that Act) shall be read as if the reference to the other provision were deleted,
- (v) where subclause ii applies, the reference to the other provision shall be deemed to be a reference to the provision of this Act that applies in lieu thereof, and
- (vi) where subclause iii applies, the reference to the other provision shall be deemed to be a reference to the other provision as it applies for the purposes of this Act.

(3) Notwithstanding subsection 1, any regulation made pursuant to any provision of the *Income Tax Act* (Canada) that is by this Act made applicable for the purposes of this Act shall apply with necessary modifications for the purposes of this Act unless otherwise provided by this Act or by the regulations.

Application  
of  
regulations  
under  
R.S.C. 1952,  
c. 148

(4) Any election or designation by a corporation which has been properly made for the purposes of the *Income Tax Act* (Canada), pursuant to any provision of that Act that is by this Act made applicable for the purposes of this Act, shall be deemed to have been properly made for the purposes of this Act, provided that,

Elections  
R.S.C. 1952,  
c. 148

- (a) where an amount elected would be different from the amount determined in accordance with this Act, the amount determined in accordance with this Act shall apply; and

- (b) the provisions in that Act imposing penalties for late filing of such elections are not applicable for the purposes of this Act.

Registered  
pension  
funds

(5) Any registered pension fund or plan that has been accepted for registration by the Minister of National Revenue for Canada shall be deemed to have been accepted for registration by the Minister of Revenue.

R.S.C. 1952,  
c. 148 applies  
as amended  
from time  
to time

(6) The sections of the *Income Tax Act* (Canada) by this Act made applicable for the purposes of this Act shall, unless otherwise provided in this Act, be deemed to be applicable as amended or re-enacted from time to time, and such amendments or re-enactments shall apply for the purposes of this Act in the same manner as they apply for the purposes of the *Income Tax Act* (Canada).

s. 2 (2) (c),  
re-enacted

**2.—**(1) Clause *c* of subsection 2 of section 2 of the said Act as amended by the Statutes of Ontario, 1973, chapter 42, section 1, is repealed and the following substituted therefor:

R.S.C. 1952,  
c. 148

(c) disposed of taxable Canadian property within the meaning given to that expression by subsection of section 248 of the *Income Tax Act* (Canada) if the reference in that definition to section 2 of the Act were a reference to this section; or

(d) carried on business in Ontario,

s. 2 (3) (c),  
re-enacted

(2) Clause *c* of subsection 3 of the said section 2, as amended by the Statutes of Ontario, 1973, chapter 42, section 1, is repealed and the following substituted therefor:

(c) disposed of taxable Canadian property within the meaning given to that expression by subsection of section 248 of the *Income Tax Act* (Canada) if the reference in that definition to section 2 of that Act were a reference to this section; or

(d) carried on business in Ontario,

ss. 4, 5,  
repealed

**3.** Sections 4 and 5 of the said Act are repealed.

s. 6 (1),  
amended

**4.** Subsection 1 of section 6 of the said Act is amended by striking out "stock, mileage" in the third line and in the fifth line.



5. Section 11 of the said Act is repealed.

s. 11.  
repealed

6. Section 12 of the said Act is repealed and the following substituted therefor:

s. 12.  
re-enacted

12.—(1) Except as hereinafter provided, section 3 of the *Income Tax Act* (Canada) is applicable for the purposes of this Act in so far as the said section applies to corporations.

Basic  
rules,  
R.S.C. 1952,  
c. 148, s. 3,  
applicable

(2) In the application of the said section 3 for the purposes of this Act, the reference in paragraph *c* thereof to "sub-division *e*" shall be deemed to be a reference to Subdivision D of Part II of this Act.

Interpre-  
tation

7. Section 13 of the said Act is repealed and the following substituted therefor:

s. 13.  
re-enacted

13. Except as hereinafter provided, section 4 of the *Income Tax Act* (Canada) is applicable for the purposes of this Act in so far as the said section applies to corporations.

Income or  
loss from  
a source or  
from sources  
in a place  
R.S.C. 1952,  
c. 148

8. Part II of the said Act, exclusive of sections 8 to 13*a*, as amended by the Statutes of Ontario, 1973, chapter 42, sections 3 to 9, 1973, chapter 157, sections 2 to 11, 13 to 15 and 17 to 31, 1974, chapter 75, sections 3 to 6 and 8, 1975, chapter 17, sections 4 to 56 and 58 to 63, 1976, chapter 32, sections 2 to 16, 1976, chapter 63, section 1, 1976, chapter 80, section 1 and 1977, chapter 16, sections 1 and 2, is repealed and the following substituted therefor:

Pt. II.  
(ss. 14-49,  
re-enacted).  
(ss. 50-122,  
repealed)

#### SUBDIVISION A—INCOME OR LOSS FROM A BUSINESS OR PROPERTY

14.—(1) Except as hereinafter provided, the income or loss of a corporation for a taxation year from a business or property shall for the purposes of this Act be determined in accordance with subdivisions a and b of Division B of Part I of the *Income Tax Act* (Canada) and the said subdivisions a and b are applicable to this Act in so far as the said subdivisions apply to corporations.

Application  
of  
R.S.C. 1952,  
c. 148

(2) In the application of section 10 of the *Income Tax Act* (Canada) for the purposes of this Act the amount determined for the purposes of the *Income Tax Act* (Canada) as the value of property described in an inventory is applicable for the purposes of this Act, except that,

Inventory of  
land

(a) where land is included in an inventory of a corporation and the corporation has, in calculating its income for the taxation year or any previous taxation year, deducted an amount referred to in clause *c* of subsection 7 in respect of such land, the amount



so deducted shall not be included in determining the value of the inventory for the purposes of subsection 1; and

- (b) the Minister may determine the value of the property described in an inventory for the purposes of assessment under this Act if he is of the opinion that the values have been incorrectly determined by the corporation.

Payment or refund of a fee under Ontario Beef Calf Income Stabilization Program to be included in income

(3) In addition to any other amount required by virtue of subsection 1 to be included in computing the income of a corporation for a taxation year as income from a business or property, there shall be included any amount received by the corporation as a stabilization payment or refund of a fee under the Ontario Beef Calf Income Stabilization Program.

Disposition of depreciable property:

(4) In the application of section 13 of the *Income Tax Act* (Canada) for the purposes of this Act, the following rules apply,

Undepreciated capital cost

- (a) subsections 7.1 and 10 of the said section 13 and subparagraph vi of paragraph f of subsection 21 of the said section 13 are not applicable in determining the capital cost or the undepreciated capital cost of depreciable property of a prescribed class for the purposes of this Act and the regulations;

Reduction of capital cost by amount of government assistance

- (b) where a corporation has received or is entitled to receive a grant, subsidy, forgivable loan, investment allowance or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, other than an amount,

- (i) authorized to be paid under an *Appropriation Act* (Canada) and on terms and conditions approved by the Treasury Board of the Government of Canada in respect of scientific research expenditures incurred for the purpose of advancing or sustaining the technological capability of Canadian manufacturing or other industry,

R.S.C. 1970,  
c. I-10

1965, c. 12  
(Can.)

- (ii) authorized to be paid under the *Industrial Research and Development Incentives Act* (Canada) or the *Area Development Incentives Act* (Canada) and approved by the Minister, or

- (iii) deducted as an allowance under section 65 of the *Income Tax Act* (Canada) or section 19 of this Act, R.S.C. 1952, c. 148

the capital cost of the property to the corporation shall be deemed to be the amount by which the aggregate of,

- (iv) the capital cost thereof to the corporation, otherwise determined, and
- (v) such part, if any, of the assistance as has been repaid by the corporation pursuant to an obligation to repay all or part of that assistance,

exceeds,

- (vi) the amount of assistance.

(5) In the application of section 17 of the *Income Tax Act* (Canada) for the purposes of this Act, subsection 2 thereof does not apply in determining whether an amount shall be included in the income of a corporation in accordance with subsection 1 thereof. Loan to non-resident person

- (6) Where an amount in respect of,

(a) a management or administration fee or charge;

(b) a rent, royalty or a similar payment; or

(c) a right in or to the use of motion picture film or films or video tapes for use in connection with television that have been or are to be used or reproduced in Canada,

Management fee, rent and similar payment to non-resident to be included in income

is paid or payable by a corporation to a non-resident person with whom it was not dealing at arm's length, the corporation shall include 5/12ths of such amount in computing its income from a business or property for the taxation year in which the amount was subjected to tax under paragraph *a*, *d* or *e* of subsection 1 of section 212 of the *Income Tax Act* (Canada) or subsection 5 of that section, except that clause *b* does not apply where the non-resident person to whom the amount is paid or payable is a corporation liable to the taxes imposed under this Act by virtue of clause *b* of subsection 2 or clause *b* of subsection 3 of section 2.

Deductions  
allowed  
R.S.C. 1952,  
c. 148

(7) Subsection 2 of section 18 of the *Income Tax Act* (Canada) and paragraphs *a* and *v.1* of subsection 1 of section 20 of that Act are not applicable in computing the income of a corporation for a taxation year from a business or property for the purposes of this Act, and in lieu thereof there may be deducted such of the following amounts as are applicable:

Capital cost  
of property

(a) such part of the capital cost to the corporation of property, or such amount in respect of the capital cost to the corporation of property, as is allowed by regulation;

Fee under  
Ontario Beef  
Calf Income  
Stabilization  
Program

(b) an amount paid by the corporation in the taxation year as a fee under the Ontario Beef Calf Income Stabilization Program;

Certain  
interest  
and property  
taxes on land

(c) notwithstanding paragraph *c* of subsection 1 of section 20 of the *Income Tax Act* (Canada) as made applicable to this Act but subject to subsection 3 of section 18 of the said Act, any amount paid or payable by the corporation in the year and after 1971 as, on account or in lieu of payment of, or in satisfaction of,

(i) interest on borrowed money used to acquire land or on an amount payable by the corporation for land, or

(ii) property taxes, not including income or profits taxes or taxes computed by reference to the transfer of property, paid or payable by the corporation in respect of land to a province or a Canadian municipality,

if, having regard to all the circumstances, including the cost to the corporation of the land in relation to its gross revenue, if any, therefrom for that or any previous year, the land can reasonably be considered to have been, in that year,

(iii) included in the inventory of a business carried on by the corporation,

(iv) otherwise used in, or held in the course of, carrying on a business carried on by the corporation, or

(v) held primarily for the purpose of gaining or producing income of the corporation from the land for that year,



and if none of subclauses iii, iv and v is applicable, then the deduction under this clause is permitted only to the extent that the corporation's gross revenue, if any, from the land for that year exceeds the aggregate of all other amounts deducted in computing its income from the land for that year;

- (d) such amount as is allowed to the corporation by regulation in respect of oil or gas resources in Canada, as defined by regulation. Resource allowance

(8) In the application of paragraph *n* of subsection 1 of section 20 of the *Income Tax Act* (Canada) for the purposes of this Act, Deductions not allowed R.S.C. 1952, c. 148

- (a) notwithstanding subsection 8 of section 20 of the *Income Tax Act* (Canada), the said paragraph *n* does not apply to allow a deduction in computing the income of a corporation for a taxation year from a business in respect of a property sold in the course of the business if the corporation at the end of the taxation year or at any time in the immediately following taxation year, No deduction in respect of property in certain circumstances

(i) was exempt from tax under any provision of this Part, or

(ii) ceased to have a permanent establishment in Canada; and

- (b) the said paragraph *n* does not apply to allow a deduction in computing the income of a corporation for a taxation year from a business where the corporation has, in the taxation year sold, pledged, assigned or in any way disposed of any security received by it as payment in whole or in part for the sale of property in respect of which the corporation has, in that or a previous taxation year, been allowed a deduction under that paragraph for the purposes of this Act. No deduction in respect of sale of property if security disposed of

(9) In the application of paragraph *s* of subsection 1 of section 20 of the *Income Tax Act* (Canada) for the purposes of this Act, the reference therein to "Minister" shall be deemed to be a reference to the Minister of National Revenue for Canada. Interpretation

(10) Section 27 of the *Income Tax Act* (Canada) is not applicable for the purposes of this Act and in lieu thereof the following provisions shall apply: Crown corporations



Prescription

1. Where a corporation referred to in paragraph *d* of subsection 1 of section 149 of the *Income Tax Act* (Canada) is otherwise exempt under section 49 of this Act and subsection 1 of section 135 of this Act, such exemptions do not apply if the corporation is prescribed by regulation.

Transfers of  
land for  
disposition

2. Where land has been transferred to a corporation prescribed in the regulations for the purpose of disposition, the acquisition of the property by the corporation and any disposition thereof shall be deemed not to have been in the course of the business carried on by the corporation.

Loss on  
disposition  
of shares  
of a  
Venture  
Investment  
Corporation  
1977, c. 10

- (11) Where in a taxation year a corporation has incurred a loss, other than a capital loss, from the disposition of property that is shares of the capital stock of a corporation registered under *The Venture Investment Corporations Registration Act, 1977*, such loss shall not be allowed in computing the income or loss of the corporation from a business or property for the taxation year.

#### SUBDIVISION B—TAXABLE CAPITAL GAINS AND ALLOWABLE CAPITAL LOSSES

Application  
of  
R.S.C. 1952,  
c. 148

- 15.—(1) Except as hereinafter provided, the taxable capital gains and allowable capital losses of a corporation for a taxation year from the disposition of any property shall for the purposes of this Act be determined in accordance with subdivision c of Division B of Part I of the *Income Tax Act* (Canada) and the said subdivision c is applicable to this Act in so far as the said subdivision applies to corporations.

Idem

- (2) Paragraph *c* of subsection 1 of section 48 of the *Income Tax Act* (Canada) is not applicable for the purposes of this Act.

Idem

- (3) In the application of paragraph *a* of subsection 2 of section 40 of the *Income Tax Act* (Canada) for the purposes of this Act, subparagraph *i* thereof shall be read as though the words "was not resident" were deleted and the words "ceased to have a permanent establishment" were inserted in lieu thereof.

Adjustments  
to cost base

- (4) In computing the adjusted cost base to a corporation of property in accordance with the provisions made applicable by subsection 1, the following rules apply for the purposes of this Act,

- (a) where the property is a foreign resource property, there shall be added to the cost of the property to the corporation that part of the foreign exploration and development expenses incurred by the corporation after 1971 with respect to the property that is not allowed as a deduction from income for purposes of this Act;
- (b) clause B of subparagraph ii of paragraph c of subsection 2 of section 53 of the *Income Tax Act* <sup>R.S.C. 1952, c. 148</sup> (Canada) shall apply as if the words "foreign exploration and development expenses" were deleted;
- (c) subparagraph i of paragraph k of subsection 2 of section 53 of the *Income Tax Act* (Canada) shall apply,

- (i) as if the words "deduction from tax" were deleted, and

- (ii) as if the reference in clause B thereof to section 65 were a reference to the said section 65 and to section 19 of this Act;

- (d) where the property is a foreign resource property, there shall be deducted in respect of such property any amount that has become receivable by the corporation at a particular time in a taxation year as the result of a transaction that occurred after the 6th day of May, 1974, in which the consideration given by the corporation for the amount was property or services the original cost of which may reasonably be regarded as having been foreign exploration and development expenses.

(5) Notwithstanding the rules contained in subsection 1 of section 40 of the *Income Tax Act* (Canada) as made applicable by subsection 1 of this section, a corporation's capital loss from the disposition of property that is shares in the capital stock of a corporation registered under *The Venture Investment Corporations Registration Act, 1977*, is the amount <sup>Capital loss on disposition of shares of a Venture Investment Corporation 1977, c. 10</sup> by which,

- (a) the capital loss in respect of such disposition, otherwise determined,

exceeds,

- (b) the amount in respect of such shares that was deducted under section 31 minus the amount included in income under subsection 4 of section 16.

Interpre-  
tation

(6) In this Subdivision,

- (a) "foreign exploration and development expenses" incurred by a corporation means,

(i) any drilling or exploration expense, including any general geological or geophysical expense, incurred by it on or in respect of exploring or drilling for petroleum or natural gas outside Canada,

(ii) any prospecting, exploration or development expense incurred by it in searching for minerals outside Canada,

(iii) any annual payment made by the corporation for the preservation of a foreign resource property, and

(iv) its share of the foreign exploration and development expenses incurred by any association, partnership or syndicate in a fiscal period thereof, if at the end of that fiscal period it was a member or partner thereof;

- (b) "foreign resource property" of a corporation means any property that would be a Canadian resource property of the corporation within the meaning of paragraph c of subsection 15 of section 66 of the *Income Tax Act* (Canada) if that paragraph were read as if the references therein to "in Canada" were references to "outside Canada" and were read without reference to the words "after 1971".

R.S.C. 1952,  
c. 148

#### SUBDIVISION C—OTHER SOURCES OF INCOME

R.S.C. 1952,  
c. 148  
Part I (B) (d)  
applicable

16.—(1) Except as hereinafter provided, subdivision d of Division B of Part I of the *Income Tax Act* (Canada) is applicable for the purposes of this Act in so far as the said subdivision applies to corporations.



(2) In the application of subsection 1 of section 56 of the *Income Tax Act* (Canada) for the purposes of this Act, the reference in subparagraph i of paragraph 1 thereof to "this Act" shall be deemed to be a reference to both the *Income Tax Act* (Canada) and this Act.

Interpre-  
tation  
R.S.C. 1952,  
c. 148

(3) Section 59 of the *Income Tax Act* (Canada) is not applicable for the purposes of this Act, and in lieu thereof the following provisions apply,

Disposition  
of resource  
property

(a) where a corporation disposes of,

Amount  
receivable as  
consideration  
for disposition  
of resource  
property

- (i) a Canadian resource property, or
- (ii) any right, licence or privilege described in subsection 12 of section 58 of *The Corporations Tax Act*, as it read in its application to taxation years prior to 1972, that was acquired by the corporation,

(A) before 1972 in the case of,

- 1. a corporation that is a principal-business corporation within the meaning given to that expression by subsection 14 of section 20 or that was, at the time it acquired the property, such a principal-business corporation, or
- 2. an association, partnership or syndicate described in subsection 4 of section 83A of the *Income Tax Act* (Canada) as it read in its application to the 1971 taxation year, and

(B) after April 10, 1962 and before 1972, in any other case,

under an agreement or other contract or arrangement described therein,

the corporation's proceeds of disposition therefrom shall be included in computing the corporation's income for the taxation year, to the extent that the proceeds become receivable in that year;

- (b) there shall be included in computing a corporation's income for a taxation year any amount in respect of,

Amount  
deducted  
under s. 18  
in preceding  
year



(i) a Canadian resource property, or

(ii) any property referred to in subclause ii of clause *a* or in clause *c*,

that has been deducted under section 18 in computing the corporation's income for the immediately preceding taxation year;

Disposition of  
resource  
property  
acquired  
before 1972

R.S.C. 1952,  
c. 148

(c) where a corporation has made a disposition of property owned, or deemed to have been owned, by it on the 31st day of December, 1971 and thereafter without interruption until the date of disposition that is property described in any of subparagraphs i to vi of paragraph *c* of subsection 15 of section 66 of the *Income Tax Act* (Canada) and is not property described in subclause ii of clause *a*, the following rules apply,

(i) the relevant percentage of the corporation's proceeds of disposition therefrom shall be included in computing the corporation's income for the taxation year to the extent that the proceeds become receivable, and

(ii) where the corporation and the person who acquired the property were not dealing with each other at arm's length, for the purposes of this subsection and section 20,

(A) the cost to that person of the property shall be deemed to be the amount included in the corporation's income by virtue of subclause i in respect of the disposition by the corporation of the property, and

(B) when that person subsequently disposes of the property or any right or interest therein, that person shall be deemed to have owned the property on the 31st day of December, 1971 and thereafter without interruption until the disposition thereof;

Interpre-  
tation

(d) in this subsection,

(i) "relevant percentage" has the meaning given to that expression by subsection 4 of section 59 of the *Income Tax Act* (Canada),

- (ii) "disposition" and "proceeds of disposition" have the meaning given to those expressions by section 54 of the *Income Tax Act* (Canada). R.S.C. 1952,  
c. 148

(4) In addition to any other amount that is required to be included in computing the income of a corporation for a taxation year by virtue of the provisions of subdivision d of Division B of Part I of the *Income Tax Act* (Canada) that are made applicable by subsection 1 of this section, there shall be included the following amounts:

- (a) where, in a taxation year, shares of the capital stock of a corporation that is registered under *The Venture Investment Corporations Registration Act, 1977*, c. 10 have been disposed of by the corporation, an amount equal to the aggregate of,

(i) 250 per cent of the lesser of,

(A) the cost to the corporation of the said shares disposed of, and

(B) the proceeds of disposition of such shares, and

(ii) that proportion of the amount determined under subclause i that,

(A) the taxable income of the corporation for the year, determined without reference to this section, that would be deemed to have been earned in all jurisdictions other than Ontario for the purposes of section 34,

is of,

(B) the amount by which the taxable income of the corporation for the year, determined without reference to this section, exceeds the amount determined under sub-subclause A; and

- (b) where at a particular time in the taxation year the registration of a corporation that is registered under *The Venture Investment Corporations Registration Act, 1977* (hereinafter in this subsection referred to as the V.I.C.) has been revoked pursuant to section 6 of that Act and at the particular time

the corporation owned shares of the capital stock of the V.I.C., an amount equal to the aggregate of,

(i) 250 per cent of the cost to the corporation of the said shares, and

(ii) that proportion of the amount determined under subclause i that,

(A) the taxable income of the corporation for the year, determined without reference to this section, that would be deemed to have been earned in all jurisdictions other than Ontario for the purposes of section 34,

is of,

(B) the amount by which the taxable income of the corporation for the year, determined without reference to this section, exceeds the amount determined under sub-subclause A.

Idem

1977, c. 10

(5) Where in a taxation year a corporation that owns shares in the capital stock of a corporation that is registered under *The Venture Investment Corporations Registration Act, 1977* has ceased to have a permanent establishment in Ontario within the meaning of section 7, the corporation shall for the purposes of subsections 4 and 6 of this section be deemed to have disposed of the shares in that year for proceeds equal to the cost to the corporation of the shares.

Idem

(6) Where in a taxation year a corporation that owns shares of the capital stock of a corporation that is registered under *The Venture Investment Corporations Registration Act, 1977* has disposed of or is deemed to have disposed of any of those shares, or the registration of the corporation that is registered under *The Venture Investment Corporations Registration Act, 1977* has been revoked pursuant to section 6 of that Act, and all of the taxable income of the corporation for the year, determined without reference to this subsection is deemed for the purposes of section 34 to have been earned in jurisdictions other than Ontario, the following rules apply,

(a) the amount of the corporation's taxable income for the year shall be determined as if it has no income other than the amount determined under clause *a* or *b* of subsection 4, as the case may be;



- (b) the only amounts deductible under this Act by the corporation in determining its taxable income for the year shall be its undeducted eligible expenditures, within the meaning of section 31, as at the end of the immediately preceding taxation year; and
- (c) for the purposes of section 34, no portion of the corporation's taxable income as determined under clauses *a* and *b* shall be deemed to have been earned in jurisdictions other than Ontario.

#### SUBDIVISION D—DEDUCTIONS IN COMPUTING INCOME

17.—(1) Except as hereinafter provided, section 60 of the *Income Tax Act* (Canada), is applicable for the purposes of this Act in so far as the said section applies to corporations. Application  
of  
R.S.C. 1952,  
c. 148, s. 60

(2) In the application of subparagraph i of paragraph o of the said section 60 for the purposes of this Act, the reference therein to "this Act" shall be deemed to be a reference to both the *Income Tax Act* (Canada) and this Act. Interpre-  
tation  
  
R.S.C. 1952,  
c. 148

(3) In addition to the deductions permitted by virtue of subsection 1, there may be deducted in computing the income of a corporation for a taxation year all corporation taxes payable in the taxation year by the corporation. Corporation  
taxes  
deductible

(4) In this section, Interpre-  
tation

(a) "corporation income tax" means a tax imposed by the Parliament of Canada or by the Legislature of a province or by a municipality in the province that is declared by the regulations to be a tax of general application on the profits of corporations;

(b) "corporation tax" means a tax imposed by the Legislature of a province or by a municipality in the province that is declared by the regulations to be a tax on corporations, but does not include,

(i) a corporation income tax, or

(ii) any other tax declared by the regulations not to be a corporation tax.

18.—(1) In computing a corporation's income for a taxation year, in this subsection referred to as the "current year", where,

Reserve in  
respect of  
consideration  
for disposition  
of resource  
property not  
due until  
subsequent  
year



- (a) by virtue of clause *a* or *c* of subsection 3 of section 16, subsection 11 of section 20, or clause *a* of subsection 12 of section 20, an amount has been included in computing the corporation's income for the current year or a previous taxation year; or
- (b) an amount referred to in paragraph *b* of subsection 1 of section 64 of the *Income Tax Act* (Canada) has been included in computing, for the purposes of this Act, the corporation's income for that previous taxation year,

in respect of the disposition of any property and that amount or a part thereof is not due until a day that is after the end of the current year, there may be deducted as a reserve in respect of that amount the part thereof that is not due until a day that is after the end of the current year, not exceeding, where the property was disposed of in a taxation year preceding the current year, any amount deducted under this subsection in respect of the disposition of the property in computing the corporation's income for the taxation year immediately preceding the current year, and for greater certainty, no deduction may be made in respect of that amount under paragraph *n* of subsection 1 of section 20 of the *Income Tax Act* (Canada) as that paragraph applies by virtue of section 14 of this Act.

R.S.C. 1952,  
c. 148

Application of  
subs. 1

(2) Subsection 1 does not apply to allow a deduction in computing the income of a corporation for a taxation year if the corporation, at any time in the taxation year or in the immediately following taxation year,

- (a) ceases to be a resident of Canada;
- (b) becomes exempt from tax under any provision of this Part; or
- (c) if a non-resident, ceases to have a permanent establishment in Canada.

Application  
of section

(3) For the purpose of clause *d* of subsection 2 of section 1, this section applies in lieu of section 64 of the *Income Tax Act* (Canada).

Allowance for  
oil or gas well,  
mine or  
timber limit

19.—(1) There may be deducted in computing a corporation's income for a taxation year such amount as an allowance, if any, in respect of,

- (a) an oil or gas well, mineral resource or timber limit;  
or

- (b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

as is allowed by regulation.

(2) For greater certainty it is hereby declared that, in the Regulations case of a regulation made under subsection 1,

- (a) there may be prescribed by such regulation an amount in respect of any or all,

(i) oil or gas wells or mineral resources in which the corporation has an interest, or

(ii) processing operations described in clause b of subsection 1 that are carried on by the corporation; and

- (b) notwithstanding any other provision contained in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

(3) Where a deduction is allowed under subsection 1 in respect of a coal mine operated by a lessee, the lessor and lessee may agree as to what portion of the allowance each may deduct and, in the event that they cannot agree, the Minister may fix the portions. Lessee's share of allowance

(4) For the purpose of clause d of subsection 2 of section 1, this section applies in lieu of section 65 of the *Income Tax Act* (Canada). Application R.S.C. 1952, c. 148

20.—(1) A principal-business corporation may deduct, in computing its income for a taxation year, the lesser of, Exploration and development expenses of principal-business corporations

- (a) the aggregate of such of its Canadian exploration and development expenses as were incurred by it before the end of the taxation year, to the extent that they were not deductible in computing income for a previous taxation year; and

(b) of that aggregate, an amount equal to its income for the taxation year if no deduction were allowed under this section or section 19, minus the deductions allowed for the taxation year by subsection 5 and by sections 112 and 113 of the *Income Tax Act* (Canada) as made applicable by section 29 of this Act.

Expenses of  
other  
corporations

(2) A corporation other than a principal-business corporation may deduct, in computing its income for a taxation year, the lesser of,

(a) the aggregate of such of its Canadian exploration and development expenses as were incurred by it before the end of the taxation year to the extent they were not deductible in computing its income for a previous taxation year; and

(b) of that aggregate, the amount, if any, by which the greater of,

(i) such amount as the corporation may claim, not exceeding 20 per cent of the aggregate determined under clause *a*, and

(ii) the aggregate of,

(A) such part of its income for the taxation year as may reasonably be regarded as attributable to the production of petroleum or natural gas from wells in Canada or to the production of minerals from mines in Canada,

(B) its income for the taxation year from royalties in respect of an oil or gas well in Canada or a mine in Canada, and

(C) the aggregate of amounts each of which is an amount, in respect of a Canadian resource property or a property referred to in subclause ii of clause *a* of subsection 3 of section 16 or clause *c* of subsection 3 of section 16 that has been disposed of by it, equal to the amount, if any, by which,

1. the amount included in computing its income for the taxation year by virtue of subsection 3 of section 16 in respect of the disposition of the property,

exceeds,

2. the amount deducted under section 18 in respect of the property in computing its income for the taxation year,



if no deductions were allowed under section 19,

exceeds,

- (iii) the amount of any deduction allowed by the *Corporations Tax Application Rules, 1972* in respect of this subclause in computing its income for the taxation year.

(3) A corporation other than a principal-business corporation may deduct, in computing its income for a taxation year, the lesser of,

Ontario  
exploration  
and  
development  
expenses:  
corporation  
other than  
a principal-  
business  
corporation

- (a) the aggregate of such of its Ontario exploration and development expenses as were incurred by it before the end of the taxation year to the extent that they were not deducted in computing its income for a previous year, minus that portion of the deduction allowed, if any, in computing its income for the taxation year under subsection 2 which is reasonably attributable to Ontario exploration and development expenses; and
- (b) that portion of the amount determined under clause *a* equal to the amount of its income for the taxation year if no deductions were allowed under this section, minus,
  - (i) that portion of the deduction allowed for the taxation year under subsection 2 which is reasonably attributable to Ontario exploration and development expenses, and
  - (ii) the deduction allowed for the taxation year under sections 112 and 113 of the *Income Tax Act* (Canada) as made applicable by section 29 of this Act.

R.S.C. 1952,  
c. 148

(4) Subsection 3 of section 16, section 18 and subsections 2 and 3 do not apply in computing the income for a taxation year under this Part of a corporation, other than a principal-business corporation, whose business includes trading or dealing in rights, licences or privileges to explore for, drill for or take minerals, petroleum, natural gas or other related hydrocarbons.

Dealers



Canadian  
exploration  
and  
development  
expenses  
deductible  
by successor  
corporation  
and second  
successor  
corporation  
R.S.C. 1952,  
c. 148

(5) There may be deducted in computing the income for a taxation year of a corporation that is a successor corporation or a second successor corporation, as the case may be, within the meaning of subsection 6 or 7 of section 66 of the *Income Tax Act* (Canada), the amount, if any, that would be deductible by it under either of those subsections on the basis that the reference in paragraph *b* of each of the said subsections,

- (a) to "this section" is deemed to be a reference to this section of this Act;
- (b) to section 65 is deemed to be a reference to section 19 of this Act;
- (c) to subsection 2 of section 66.1 does not apply; and
- (d) to the *Income Tax Application Rules, 1971*, is deemed to be a reference to the *Corporations Tax Application Rules, 1972*.

Joint  
exploration  
corporation:  
renunciation  
of its  
exploration  
and develop-  
ment expenses  
in favour  
of shareholder  
corporation

(6) The portion, if any, of its Canadian exploration and development expenses that a joint exploration corporation may renounce in favour of a shareholder corporation shall be determined in accordance with the rules provided in subsection 10 of section 66 of the *Income Tax Act* (Canada) and paragraphs *a* and *b* of the said subsection are applicable, except that for the purposes of this subsection,

- (a) the references in the said subsection to subsections 1 and 3 of that section shall be deemed to be references to subsections 1 and 2 of this section; and
- (b) the references in paragraph *b* of the said subsection to paragraph *a* of subsection 1 of that section shall be deemed to be a reference to clause *a* of subsection 1 of this section.

Control  
change

(7) Subsection 11 of section 66 of the *Income Tax Act* (Canada) is applicable for the purposes of this section, except that, in its application for the purposes of this section, the said subsection shall be read without the reference therein to "cumulative Canadian exploration expense, cumulative Canadian development expense and foreign exploration and development expenses".

Computation  
of explora-  
tion and  
development  
expenses

(8) In computing the Canadian exploration and development expenses and Ontario exploration and development expenses of a corporation,

- (a) there shall be deducted the aggregate of all amounts paid to it after 1971 and before the 25th day of May, 1976,

- (i) under the *Northern Mineral Exploration Assistance Regulations* (Canada) made under an *Appropriation Act* (Canada) that provides for payments in respect of the Northern Mineral Grants Program,
- (ii) pursuant to any agreement entered into between the corporation and Her Majesty in right of Canada under the Northern Mineral Grants Program or the Development Program of the Department of Indian Affairs and Northern Development, or
- (iii) under the *Mineral Exploration Assistance Program* (Ontario),

to the extent that the amounts have been expended by the corporation as or on account of Canadian exploration and development expenses or Ontario exploration and development expenses, as the case may be; and

- (b) there shall be included any amount, except an amount in respect of interest, paid by the corporation, after 1971 in respect of amounts paid to it before the 25th day of May, 1976, under the Regulations referred to in subclause i of clause a to Her Majesty in right of Canada and under the *Mineral Exploration Assistance Program* (Ontario) to Her Majesty in right of Ontario.

(9) Except as otherwise provided in this section, where a <sup>Limitations</sup> corporation has incurred an outlay or expense in respect of which a deduction from income is authorized under more than one provision of this section, the corporation is not entitled to make the deduction under more than one provision but is entitled to select the provision under which to make the deduction.

(10) Notwithstanding subsection 9, a corporation that is <sup>Idem</sup> entitled to a deduction under both subsections 2 and 3 may, in addition to the deduction under subsection 2, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3.

(11) Except as expressly otherwise provided in this Act, <sup>Limitations of Canadian exploration and development expenses</sup> where, as a result of a transaction occurring after the 6th day of May, 1974, an amount has become receivable by a corporation at a particular time in a taxation year and the consideration given by the corporation therefor was property (other than a property referred to in subsection 3 of section



16 or a share or interest therein or a right thereto) or services, the original cost of which to the corporation may reasonably be regarded as having been primarily Canadian exploration and development expenses of the corporation or would have been so regarded if they have been incurred by the corporation after 1971, there shall be included in its income for that taxation year the amount that became receivable by it at that time.

Unitized oil  
or gas field  
in Canada

(12) Where, pursuant to an agreement between a corporation and another person to unitize an oil or gas field in Canada, an amount has become receivable by the corporation at a particular time after the 6th day of May, 1974 from that other person in respect of Canadian exploration and development expenses incurred by the corporation, or expenses that would have been Canadian exploration and development expenses if they had been incurred by it after 1971, in respect of that field or any part thereof, the following rules apply,

- (a) there shall, at that time, be included in computing the corporation's income for the taxation year the amount that became receivable by it; and
- (b) there shall, at that time, be included by the other person, where that person is a corporation, in its drilling or exploration expense the amount that became payable by that person.

Amount  
deemed  
deductible  
under this  
Subdivision

(13) For the purposes of section 12, any amount deductible under the *Corporations Tax Application Rules, 1972* in respect of this subsection shall be deemed to be deductible under this Subdivision.

Interpre-  
tation  
R.S.C. 1952,  
c. 148

(14) In this section and in the provisions of the *Income Tax Act* (Canada) made applicable for the purposes of this section,

- (a) "agreed portion" has the meaning given to that expression by paragraph *a* of subsection 15 of section 66 of the *Income Tax Act* (Canada);
- (b) "Canadian exploration and development expenses" incurred by a corporation means,
  - (i) any drilling or exploration expense, including any general geological or geophysical expense, incurred by the corporation after 1971 on or in respect of exploring or drilling for petroleum or natural gas in Canada,

- (ii) any prospecting, exploration or development expense incurred by it after 1971 in searching for minerals in Canada,
- (iii) notwithstanding paragraph *m* of subsection 1 of section 18 of the *Income Tax Act* (Canada), R.S.C. 1952, c. 148 as that section applies to this Act by virtue of section 14 of this Act, the cost to the corporation of a Canadian resource property, but for greater certainty not including any payment made to any of the persons referred to in any of the subparagraphs i to iii of the said paragraph *m* for the preservation of a person's rights in respect of a Canadian resource property or a property that would have been a Canadian resource property if it had been acquired by the corporation after 1971, and not including a payment to which the said paragraph *m* applied by virtue of subparagraph v thereof,
- (iv) the corporation's share of any of the expenses referred to in subclauses i, ii and iii incurred after 1971 by any association, partnership or syndicate in a fiscal period thereof, if at the end of that fiscal period the corporation was a member or partner thereof, and
- (v) any expenses referred to in subclauses i, ii and iii incurred after 1971 pursuant to an agreement with another corporation under which the corporation incurred the expense solely in consideration for shares of the capital stock of the other corporation issued to it by the other corporation or any interest in such shares or right thereto,

but for greater certainty, does not include,

- (vi) any consideration given by the corporation for any share or any interest therein or right thereto, except as provided by subclause v, or
- (vii) any expense described in subclause v incurred by another person to the extent that the expense was, by virtue of subclause v, a Canadian exploration and development expense of that other person,



but no amount of assistance or benefit that a corporation has received or is entitled to receive after the 25th day of May, 1976 from a government, municipality or other public authority in respect of or related to its Canadian exploration and development expenses, whether as a grant, subsidy, forgivable loan, deduction from royalty or tax, investment allowance or any other form of assistance or benefit, shall reduce the amount of any of the expenses described in any of subclauses i to v;

R.S.C. 1952,  
c. 148

(c) "drilling or exploration expense" incurred on or in respect of exploring or drilling for petroleum or natural gas has the meaning given to that expression by paragraph *d* of subsection 15 of section 66 of the *Income Tax Act* (Canada);

(d) "joint exploration corporation" has the meaning given to that expression by paragraph *g* of subsection 15 of section 66 of the *Income Tax Act* (Canada);

(e) "Ontario exploration and development expenses" incurred by a corporation means any expenses that would be Canadian exploration and development expenses incurred by the corporation if clause *b* of this subsection were read as if the references therein to,

(i) "in Canada" were references to "in Ontario",

(ii) "after 1971" were references to "after the 9th day of April, 1974", and

(iii) "Canadian" were references to "Ontario";

(f) "Ontario resource property" of a corporation means any property that would be a Canadian resource property of the corporation within the meaning of paragraph *c* of subsection 15 of section 66 of the *Income Tax Act* (Canada) if that paragraph were read as if the references therein to,

(i) "in Canada" were references to "in Ontario", and

(ii) "after 1971" were references to "after the 9th day of April, 1974";

(g) "principal-business corporation" has the meaning given to that expression by paragraph *h* of subsection 15 of section 66 of the *Income Tax Act* (Canada); R.S.C. 1952, c. 148

(h) "shareholder corporation" of a joint exploration corporation has the meaning given to that expression by paragraph *i* of subsection 15 of section 66 of the *Income Tax Act* (Canada), except that subparagraph *ii* thereof shall, in its application for the purposes of this section, be read without the reference therein to "a Canadian exploration expense or a Canadian development expense".

(15) For the purposes of clause *d* of subsection 2 of section 1, this section applies in lieu of sections 66, 66.1 and 66.2 of the *Income Tax Act* (Canada). Application

21. Section 66.3 of the *Income Tax Act* (Canada) is applicable for the purposes of this Act in so far as that section applies to corporations. Shares taxed as inventory

#### SUBDIVISION E—RULES RELATING TO COMPUTATION OF INCOME

22.—(1) The rules provided in subdivision *f* of Division B of Part I of the *Income Tax Act* (Canada), relating to the computation of income are, in so far as the said rules apply to corporations, applicable in computing income for the purposes of this Act. R.S.C. 1952, c. 148, Part I (B) (f), applicable

(2) In computing income, no deduction shall be made in respect of an outlay or expense in respect of which any amount is otherwise deductible under this Act, except to the extent that the outlay or expense was reasonable in the circumstances. General limitation re expenses

23.—(1) Section 245 of the *Income Tax Act* (Canada) is applicable in computing income for the purposes of this Act, except that, Artificial transactions

(a) paragraph *b* of subsection 2 thereof is not applicable; and

(b) the reference therein to Part I of that Act shall be deemed to be reference to Part II of this Act.

Dividend  
stripping

(2) In computing the income of a corporation for a taxation year there shall be included an amount that is included in computing the income of the corporation under Part XVI of the *Income Tax Act* (Canada) pursuant to section 247 of that Act.

R.S.C. 1952,  
c. 148

#### SUBDIVISION F—AMOUNTS NOT INCLUDED IN COMPUTING INCOME

Amounts not  
included in  
income:

24. There shall not be included in computing the income of a corporation for a taxation year,

federal  
grants  
1965, c. 12  
(Can.)  
R.S.C. 1970,  
cc. I-10, R-3  
1970-71-72,  
c. 56 (Can.)

(a) an amount paid to a corporation on account of a grant under the *Area Development Incentives Act* (Canada), the *Industrial Research and Development Incentives Act* (Canada), the *Regional Development Incentives Act* (Canada), or the *Employment Support Act* (Canada); and

other  
amounts

(b) an amount determined in accordance with the rules provided in paragraphs *b*, *c*, *l* and *m* of subsection 1 of section 81 of the *Income Tax Act* (Canada).

#### SUBDIVISION G—CORPORATIONS RESIDENT IN CANADA AND THEIR SHAREHOLDERS

R.S.C. 1952,  
c. 148,  
Part I (B) (h),  
applicable

25.—(1) Except as hereinafter provided, the rules provided in subdivision h of Division B of Part I of the *Income Tax Act* (Canada) are applicable for the purposes of this Act.

Amalgama-  
tions  
consideration  
for resource  
property  
disposition

(2) In lieu of the rule provided in paragraph *p* of subsection 2 of section 87 of the *Income Tax Act* (Canada) with respect to amalgamations, the following rule is applicable for the purposes of this Act:

For the purpose of computing a deduction from the income of the new corporation for a taxation year under section 18, any amount that has been included in computing the income of a predecessor corporation for its last taxation year or a previous taxation year by virtue of clause *a* or *c* of subsection 3 of section 16, or subsection 11 or 12 of section 20, or by virtue of subsection 15 or 16 of section 58 of *The Corporations Tax Act* as it read in its application to the taxation years prior to 1972, shall be deemed to have been included in computing the income of the new corporation for a previous taxation year by virtue thereof.



(3) Paragraph *z* of subsection 2 of the said section 87 is not applicable for the purposes of this Act.

R.S.C. 1952,  
c. 148,  
s. 87 (2) (z),  
not applicable

(4) Paragraph *e.2* of subsection 1 of section 88 of the *Income Tax Act* (Canada) shall, in its application for the purposes of this Act, be read without reference therein to paragraph *z* of subsection 2 of section 87 of the said Act, and as though the reference therein to paragraph *p* of the said subsection 2 were a reference to subsection 2 of this section.

R.S.C. 1952,  
c. 148,  
s. 88 (1) (e. 2),  
applicable

(5) For the purposes of subsection 4 of section 16 and section 31, where a corporation (hereinafter in this section referred to as the "vendor") has transferred shares of the capital stock of a corporation registered under *The Venture Investment Corporations Registration Act, 1977* to another corporation (hereinafter in this section referred to as the "purchaser") pursuant to an amalgamation within the meaning of section 87 of the *Income Tax Act* (Canada) or the winding-up of a Canadian corporation within the meaning of section 88 of that Act, or the vendor and the purchaser have jointly elected under section 85 of that Act in respect of those shares, the following rules apply,

Transfer of  
V.I.C.  
shares on  
amalgama-  
tion  
or winding-up  
1977, c. 10

- (a) the vendor shall be deemed to have disposed of the shares for proceeds of disposition equal to the cost to it of the shares; and
- (b) the purchaser shall be deemed to have acquired the shares at a cost equal to the amount determined under clause *a*.

(6) In the application of the said subdivision *h* for the purposes of this Act, the references in section 84.2, paragraphs *g* and *k* of subsection 1 of section 89 and subsection 3 of section 89 of the *Income Tax Act* (Canada), to "Minister" shall be deemed to be references to the Minister of National Revenue for Canada.

"Minister"  
deemed to  
be Minister  
of National  
Revenue

#### SUBDIVISION H—SHAREHOLDERS OF CORPORATIONS NOT RESIDENT IN CANADA

26.—(1) The provisions of subdivision *i* of Division B of Part I of the *Income Tax Act* (Canada) are applicable in computing the income of a corporation for a taxation year for the purposes of this Act.

R.S.C. 1952,  
c. 148,  
Part I (B) (i),  
applicable

(2) In the application of the said subdivision *i* for the purposes of this Act, the references therein to "Minister" shall be deemed to be references to the Minister of National Revenue for Canada.

Idem



## SUBDIVISION I—PARTNERSHIPS AND THEIR MEMBERS

R.S.C. 1952,  
c. 148,  
Part I (B) (j),  
applicable

27.—(1) Except as hereinafter provided, the rules provided in subdivision j of Division B of Part I of the *Income Tax Act* (Canada) with respect to partnerships and their members, are applicable for the purposes of this Act in so far as the said rules apply to corporations.

## Exception

(2) Subsection 1.6 of section 96 of the *Income Tax Act* (Canada) is not applicable for the purposes of this Act.

Members of  
partnerships  
deemed to  
have  
permanent  
establishment  
in Ontario

(3) Where any activity in Ontario of a partnership in a taxation year is such that, if it were a corporation, it would be subject to subsection 2 or 3 of section 2, as the case may be, each corporation that is deemed to be a member of the partnership shall be deemed to be subject to subsection 2 or 3 of section 2, as the case may be, for that taxation year.

## SUBDIVISION J—BENEFICIARIES OF TRUSTS

R.S.C. 1952,  
c. 148,  
Part I (B) (k),  
applicable

28.—(1) In determining for the purposes of this Act the income of a corporation that is a beneficiary of a trust, subdivision k of Division B of Part I of the *Income Tax Act* (Canada) is applicable in so far as the said subdivision applies to corporations that are beneficiaries of trusts, and any amount included in or deducted from the income of a corporation for a taxation year by virtue of that subdivision shall be included or deducted, as the case may be, in computing its income for the taxation year for the purposes of this Act.

## Idem

(2) In the application of the said subdivision for the purposes of this Act,

- (a) clause *d* of subsection 2 of section 1 of this Act does not apply; and
- (b) the references therein to "Minister" shall be deemed to be references to the Minister of National Revenue for Canada.

## DIVISION C—COMPUTATION OF TAXABLE INCOME

R.S.C. 1952,  
c. 148,  
Part I (C),  
applicable

29.—(1) Except as hereinafter in this Division provided, in computing the taxable income of a corporation for a taxation year, Division C of Part I of the *Income Tax Act* (Canada) is applicable for the purposes of this Act in so far as the said Division applies to deductions permitted to corporations.

(2) In the application of paragraphs *a*, *b* and *b.1* of subsection 1 of section 110 of the *Income Tax Act* (Canada) for the purposes of this Act, the reference therein to "receipts" shall be deemed to mean receipts or photostatic reproductions thereof.

Receipts;  
application of  
R.S.C. 1952,  
c. 148,  
s. 110 (1)

(3) For the purposes of this Act, "registered amateur athletic association" and "registered charity" mean respectively an amateur athletic association or a charity that, unless otherwise designated by the Minister, has been registered by the Minister of National Revenue for Canada pursuant to subsection 8 of section 110 of the *Income Tax Act* (Canada) and, unless otherwise designated by the Minister, whose registration has not been revoked.

Interpre-  
tation

(4) In the application, for the purposes of this Act, of subsection 3 of section 111 of the *Income Tax Act* (Canada), paragraph *a* thereof shall be read as if subparagraph ii thereof were deleted.

Losses;  
application of  
R.S.C. 1952,  
c. 148,  
s. 111 (3)

30.—(1) In computing a corporation's taxable income for a taxation year, there may be deducted the aggregate of amounts (the aggregate of which amounts is hereafter in this subsection referred to as "the amount contributed") that are contributions for the purposes of *The Election Finances Reform Act, 1975* and that are contributed in the taxation year, and in any previous taxation year ending after the 12th day of February, 1975 to the extent that such contributions have not already been deducted, by the corporation to registered candidates at an election of a member or members to serve in the Assembly, to registered constituency associations or to registered parties, provided that,

Election  
contributions

1975, c. 12

(a) subject to subsection 3, such deduction shall not exceed the least of,

(i) the amount contributed,

(ii) its taxable income computed without reference to this section, and

(iii) \$4,000; and

(b) payment of each amount that is included in the amount contributed is proven by filing with the Minister receipts that are signed by a recorded agent of the registered candidate, registered constituency association or registered party, as the case may be, and that contain the information prescribed to be shown on such receipts.

Interpre-  
tation

(2) In this section,

1975, c. 12

- (a) "recorded agent" means a person on record with the Commission on Election Contributions and Expenses as being authorized to accept contributions on behalf of a political party, constituency association or candidate registered under *The Election Finances Reform Act, 1975*;
- (b) "registered candidate", with respect to an election of a member or members to serve in the Assembly, means a person who has been registered as a candidate for such election by the Commission on Election Contributions and Expenses and whose name has not been deleted from the register of candidates maintained by the Commission with respect to such election;
- (c) "registered constituency association" means a registered constituency association within the meaning given to that expression by *The Election Finances Reform Act, 1975*;
- (d) "registered party" means a registered party within the meaning given to that expression by *The Election Finances Reform Act, 1975*.

Corporations  
to which  
s. 34 is  
applicable

(3) In respect of a corporation to which section 34 is applicable, the amount deductible under clause *a* of subsection 1 is the aggregate of,

- (a) the amount which would otherwise be deducted under clause *a* of subsection 1; and
- (b) that proportion of the amount determined under clause *a* that,
  - (i) the taxable income of the corporation that is earned in jurisdictions other than Ontario (as computed for the purposes of section 34 and without reference to this section and section 31),

is to,

- (ii) the amount by which the taxable income of the corporation exceeds the amount referred to in subclause i.



31.—(1) In computing the taxable income of a corporation for a taxation year there may be deducted the lesser of,

Purchase  
of shares  
of Venture  
Investment  
Corporation

(a) the aggregate of,

(i) the corporation's "eligible expenditure" for the year determined under subsection 2, and

(ii) that proportion of the amount referred to in subclause i that,

(A) the proportion of the corporation's taxable income determined without reference to this section, that would be deemed to have been earned in all jurisdictions other than Ontario for the purposes of section 34,

is of,

(B) the amount by which the corporation's taxable income for the year, determined without reference to this section, exceeds the amount determined under sub-subclause A; and

(b) the taxable income of the corporation for the year determined without reference to this section and section 30.

(2) In this section, a corporation's "eligible expenditure" for a taxation year means the aggregate of,

Interpre-  
tation

(a) the amount of the corporation's "undeducted eligible expenditure" determined under subsection 3 for the immediately preceding taxation year; and

(b) an amount equal to 250 per cent of the cost incurred in the year for the acquisition of shares of the capital stock of a corporation that is registered under *The Venture Investment Corporations Registration Act, 1977*. <sup>1977, c. 10</sup>

(3) For the purposes of subsection 2, a corporation's "undeducted eligible expenditures" means the amount by which,

Interpre-  
tation

(a) its "eligible expenditure" for a taxation year determined under subsection 2,

exceeds,



(b) the amount deducted for that year under subsection 1 minus the proportion thereof that,

(i) the taxable income of the corporation for the year that would be deemed to have been earned in all jurisdictions other than Ontario for the purposes of section 34,

is of,

(ii) the taxable income of the corporation for the year.

#### DIVISION D—TAXABLE INCOME EARNED IN CANADA BY NON-RESIDENTS

Non-  
residents'  
taxable  
income  
earned in  
Canada

32. The taxable income earned in Canada for a taxation year of a corporation to which subsection 2 or 3 of section 2 applies shall be computed in accordance with the rules provided in section 115 of the *Income Tax Act* (Canada) in so far as the said rules apply to corporations, except that for the purposes of this Act,

(a) there shall be included income from property that is real property situated in Canada or any interest therein, that arose from the sale or rental thereof or both; and

(b) the amount of the income included in accordance with the said rules and clause *a* shall be determined in accordance with this Act.

#### DIVISION E—COMPUTATION OF INCOME TAX PAYABLE

Rate

33. The tax payable by a corporation under this Part upon its taxable income or taxable income earned in Canada, as the case may be, in this section referred to as the "amount taxable", is 12 per cent of the amount taxable.

Deduction  
from income  
tax

34. There may be deducted from the tax otherwise payable under this Part for a taxation year by a corporation an amount equal to 12 per cent of that portion of its taxable income or taxable income earned in Canada, as the case may be, which is earned in the taxation year in each jurisdiction other than Ontario, determined under rules prescribed by the regulations.

Foreign tax  
deduction

35.—(1) Where a corporation has a permanent establishment in Ontario, and,

(a) the corporation has included in computing its income for the taxation year,

(i) income that was derived from sources within a jurisdiction outside Canada in the form of dividends, interest, rents or royalties received in the year,

(ii) income that is deemed to have been received in the form of dividends and interest from a jurisdiction outside Canada by virtue of the provisions of subsection 5 of section 148 of the *Income Tax Act* (Canada), or

R.S.C. 1952,  
c. 148

(iii) the amount by which,

(A) the aggregate of that part of the corporation's taxable capital gains for the taxation year from the disposition of property as may reasonably be considered to be income from a source within a jurisdiction outside Canada,

exceeds,

(B) the aggregate of such of the corporation's allowable capital losses for the year from the disposition of property as may reasonably be considered to be a loss from a source within that jurisdiction outside Canada,

hereinafter in this section referred to as "foreign investment income"; or

(b) the corporation, having included in its income for the taxation year foreign investment income from sources within a jurisdiction outside Canada, also included income from a business carried on by it in that jurisdiction, hereinafter in this section referred to as "foreign business income",

and where,

(c) for the purposes of subsection 2 of section 126 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purpose of allocating taxable income to a jurisdiction outside Ontario in accordance with the regulations made under sec-

tion 34 such foreign investment income has been excluded from the calculation of gross revenue or any part thereof; and

R.S.C. 1952,  
c. 148

- (d) the corporation is entitled to a deduction under section 126 of the *Income Tax Act* (Canada), herein-after in this section referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of subsection 5 of section 148 of the *Income Tax Act* (Canada),

the corporation may deduct from the tax otherwise payable under this Part for the taxation year an amount equal to the lesser of,

- (e) 12 per cent of that part of such foreign investment income that is income that is included in that portion of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario for the purpose of section 34; and
- (f) the deficiency, if any, between,
  - (i) the income or profits tax paid for the taxation year by the corporation to the jurisdiction outside Canada in respect of the foreign investment income referred to in clause e, and
  - (ii) the foreign tax credit allowed for the taxation year in respect of such foreign investment income under subsection 1 of section 126 of the *Income Tax Act* (Canada).

Idem

(2) For greater certainty, where the income of a corporation for a taxation year is in whole or in part from sources in more than one jurisdiction outside Canada, subsection 1 shall be read as providing for a separate deduction in respect of each jurisdiction outside Canada.

Small  
business  
incentives

36.—(1) There may be deducted from the tax otherwise payable under this Part for a taxation year by a corporation that, with respect to that taxation year, is eligible for a deduction under section 125 of the *Income Tax Act* (Canada), an amount equal to 3 per cent of the amount determined under subsection 2.



(2) For the purposes of subsection 1, the amount determined under this subsection is that proportion of the least of the amounts determined under paragraphs *a*, *b*, *c* and *d* of subsection 1 of section 125 of the *Income Tax Act* (Canada) for the taxation year, not exceeding \$150,000, that,

Idem

R.S.C. 1952,  
c. 148

- (a) the amount of that portion of its taxable income for the taxation year that is deemed to have been earned in Ontario, measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada),

bears to,

- (b) the total amount of the portions of its taxable income for the taxation year that are deemed to have been earned in the provinces of Canada, measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada).

(3) In lieu of the deduction permitted under subsection 1, for the taxation year that ends after the 6th day of April, 1976, and that includes that day, there may be deducted from the tax otherwise payable under this Part for that taxation year the amount that would otherwise be deductible under section 106*a* as that section stood on the 6th day of April, 1976, determined on the assumption that that section applied to the whole of that taxation year.

Transitional  
rule; alter-  
native  
deduction

(4) Where a corporation has made a deduction under subsection 1 for the taxation year that ends after the 6th day of April, 1976, and that includes that day, in addition to the amount deducted under subsection 1 there may be deducted from the tax otherwise payable under this Part for that taxation year the lesser of,

Transitional  
rule;  
additional  
deduction

- (a) 3 per cent of the amount determined under subsection 2 for that taxation year; and
- (b) the amount that would have been deductible under subsection 3 of section 106*a* as that section stood on the 6th day of April, 1976 had that section applied to that taxation year.

(5) In this section, "tax otherwise payable under this Part" means the tax for the taxation year otherwise payable by the corporation under this Part after making any deduction applicable under sections 34 and 35, but before making any deduction under this section.

Interpre-  
tation



Tax on tax

R.S.C. 1952,  
c. 148

37. Where, under a contract, will or trust, made or created before the 14th day of May, 1953, a person is required to make a payment to a corporation and is required by the terms of the contract, will or trust to pay an additional amount measured by reference to tax payable by such corporation under Part I of the *Income Tax Act* (Canada) and Part II of this Act by reason of the payment,

(a) the tax payable by the corporation under Part II of this Act for the taxation year in or in respect of which such payment is made or becomes payable is the amount that the tax of the corporation under Part II of this Act would be if no amount under the contract were included in computing its income for the taxation year plus,

(i) the amount by which its tax under Part II of this Act would be increased by including in computing its income,

(A) the payment, and

(B) the amount by which its tax under Part I of the *Income Tax Act* (Canada) would be increased by including the payment in computing its income, and

(ii) the amount by which the tax of the corporation under Part II of this Act would be further increased by including, in computing its income for the taxation year, the amount fixed by subclause i or the additional payment, whichever is the lesser; and

(b) if the person required to make the payment is a corporation and would otherwise be entitled to deduct the amounts payable under such a contract in computing its income for a taxation year, such corporation is not entitled to deduct the amount determined under subclause ii of clause a.

#### DIVISION F—SPECIAL RULES APPLICABLE IN CERTAIN CIRCUMSTANCES

Where  
corporation  
bankrupt

38. Where a corporation has become bankrupt, as defined in subsection 3 of section 128 of the *Income Tax Act* (Canada), the rules provided in the said section 128 are applicable for the purposes of this Act.

### *Investment Corporations*

39.—(1) Where a corporation is, throughout a taxation year, an investment corporation, other than a mutual fund corporation, subsections 1, 2 and 3 of section 131 of the *Income Tax Act* (Canada) as made applicable by section 41 of this Act are applicable in respect of the corporation for the taxation year as if, Application of s. 41  
R.S.C. 1952, c. 148

- (a) the corporation had been a mutual fund corporation throughout that and all previous taxation years ending after 1971 throughout which it was an investment corporation; and
- (b) its capital gains redemption for that and all previous taxation years ending after 1971, throughout which it would, but for the assumption made by clause *a*, not have been a mutual fund corporation, were nil.

(2) Subsection 6 of section 41 applies to a corporation to which this section applies. Idem

### *Mortgage Investment Corporations*

40. Where a corporation was, throughout a taxation year, a mortgage investment corporation, as defined in subsection 6 of section 130.1 of the *Income Tax Act* (Canada), the rules provided in the said section 130.1 are applicable in computing its income for the taxation year for the purposes of this Act. R.S.C. 1952, c. 158, s. 130.1, applicable

### *Mutual Fund Corporations*

41.—(1) Except as hereinafter provided, where a corporation is a mutual fund corporation, section 131 of the *Income Tax Act* (Canada) is applicable for the purposes of this Act. R.S.C. 1952, c. 148, s. 131, applicable

(2) In the application of subparagraph i of paragraph *a* of subsection 2 of the said section 131 for the purposes of this Act, the reference therein to "20%" shall be read as a reference to "6%". Idem

(3) In the application of subsection 3 of the said section 131 for the purposes of this Act, the reference therein to "this Act" shall be deemed to be a reference to this Act. Idem

(4) In the application of clause A of subparagraph i of paragraph *a* and clause C of subparagraph ii of paragraph *b*, Idem

of subsection 6 of the said section 131, for the purposes of this Act, the references therein to "5 times" shall be read as references to "16 $\frac{2}{3}$  times".

Idem

(5) In the application of paragraph *d* of subsection 6 of the said section 131 for the purposes of this Act, subparagraph *i* thereof shall be read without reference to clause C thereof, and the reference to "40%" in clauses A and B of the said subparagraph shall be read as references to "12 per cent".

Apportion-  
ment of  
capital  
gains  
refund

(6) Where a corporation had a permanent establishment in a jurisdiction outside Ontario during a taxation year in respect of which this section applies, the capital gains refund otherwise determined hereunder shall be reduced by that proportion thereof that the taxable income of the corporation that is deemed to have been earned in jurisdictions other than Ontario for the taxation year for the purposes of section 34 bears to its total taxable income or, where its taxable income is nil, the capital gains refund otherwise determined hereunder shall be reduced by that proportion thereof that the corporation's taxable paid-up capital that is deemed to have been used in jurisdictions outside Ontario for that taxation year for the purposes of section 132 bears to its total taxable paid-up capital.

Exceptions  
R.S.C. 1952,  
c. 148

(7) Subsections 5 and 9 of section 131 of the *Income Tax Act* (Canada) and paragraph *c* of subsection 6 of the said section are not applicable for the purposes of this Act.

#### *Non-Resident-Owned Investment Corporations*

Computation  
of income

42.—(1) The income of a non-resident-owned investment corporation for a taxation year shall be computed as if its only income for the year was the amount, if any, by which its taxable capital gains for the year exceeds its allowable capital losses for the year, from dispositions of taxable Canadian property or property that would be taxable Canadian property if at no time in the year the corporation had been resident in Canada.

Computation  
of taxable  
income

(2) The taxable income of a non-resident-owned investment corporation for a taxation year is its income determined under subsection 1, minus its net capital losses for taxation years preceding and the taxation year immediately following the taxation year, as determined in accordance with section 111 of the *Income Tax Act* (Canada) as made applicable by section 29 of this Act.

R.S.C. 1952,  
c. 148,  
s. 133 (5, 7.1, 7.2),  
applicable

(3) The provisions of subsections 5, 7.1 and 7.2 of section 133 of the *Income Tax Act* (Canada) are applicable for the purposes of this section.



*Patronage Dividends*

43.—(1) Except as hereinafter provided, the provisions of section 135 of the *Income Tax Act* (Canada) with respect to the deduction from income of payments made pursuant to allocations in proportion to patronage and the inclusion in income of payments received pursuant to allocations in proportion to patronage are, in so far as they apply to corporations, applicable in computing income for the purposes of this Act.

R.S.C. 1952.  
c. 148,  
s. 135,  
applicable

(2) Subsection 3 of the said section 135 is not applicable for the purposes of this Act.

Non-  
application  
of s. 135 (3)

*Credit Unions*

44.—(1) Except as hereinafter provided, the provisions of section 137 of the *Income Tax Act* (Canada) are applicable in computing the income of credit unions for the purposes of this Act.

R.S.C. 1952.  
c. 148,  
s. 137,  
applicable

(2) Subsections 3 and 4 of the said section 137 and paragraph *c* of subsection 6 of the said section 137 are not applicable for the purposes of this Act.

Exceptions

*Deposit Insurance Corporations*

45.—(1) Except as hereinafter provided, the provisions of section 137.1 of the *Income Tax Act* (Canada) are applicable in computing the income of deposit insurance corporations and member institutions thereof for the purposes of this Act.

R.S.C. 1952.  
c. 148,  
s. 137.1,  
applicable

(2) In the application of subsection 1 of the said section 137.1 for the purposes of this Act, the reference in paragraph *a* thereof to "this Part" shall be deemed to be a reference to Part II of this Act.

Idem

(3) Subsection 9 of the said section 137.1 is not applicable for the purposes of this Act.

Exception

*Insurance Corporations*

46.—(1) Notwithstanding any other provision of this Act, except as hereinafter provided, the taxable incomes of insurance corporations that carry on an insurance business in Ontario shall, for the purposes of this Act, be computed in accordance with the rules provided in sections 138, 140, 141, 141.1 and 142 of the *Income Tax Act* (Canada).

Calculation  
of taxable  
income



Interpre-  
tation

(2) In the application of subsection 1 of the said section 138 for the purposes of this Act, the reference in paragraph *d* thereof to "this Part" shall be deemed to be a reference to Part II of this Act.

Application  
of rules  
under  
R.S.C. 1952,  
c. 148

47. The rules provided in section 139 of the *Income Tax Act* (Canada), with respect to the conversion of a provincially incorporated life insurance corporation into a mutual corporation, are applicable for the purposes of this Act.

Amounts to  
be included  
in computing  
policy-  
holder's  
income

48. Subsection 2 of section 142 of the *Income Tax Act* (Canada) is, in so far as it applies to corporations, applicable for the purposes of this Act.

#### DIVISION G—EXEMPTIONS

Exemptions

49.—(1) Except as hereinafter provided, no tax is payable under this Part upon the taxable income of a corporation for a period when that corporation was,

Charities  
and other  
corporations

(a) a corporation referred to in paragraph *c, d, e, f, h.1, i, j, k, m, n* or *o* of subsection 1 of section 149 of the *Income Tax Act* (Canada);

Non-profit  
organizations

(b) a club, society or association that, in the opinion of the Minister, was not a charity within the meaning given to that expression by subsection 1 of section 149.1 of the *Income Tax Act* (Canada) and that was organized and operated exclusively for social welfare, civic improvement, pleasure or recreation or for any other purpose except profit, which has not in the taxation year or in any previous taxation year distributed any part of its income to any proprietor, member or shareholder thereof, or appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof, unless the proprietor, member or shareholder was a club, society or association, the primary purpose and function of which was the promotion of amateur athletics in Canada; or

Farmers' and  
fishermen's  
insurers

(c) an insurer, who was engaged during the period in no business other than insurance, if, in the opinion of the Minister on the advice of the Superintendent of Insurance, 50 per cent of its gross premium income for the period was in respect of the insurance of farm property, property used in fishing or residences of farmers or fishermen.

(2) Where a corporation described in clause *b* of subsection 1,

Tax payable  
where distribution  
made  
to members or  
shareholders

- (a) has in the taxation year distributed any part of its income or distributed or otherwise appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof, such corporation shall be liable to the taxes imposed under this Act for the taxation year in which the distribution is made and for subsequent taxation years, and in computing its income for the taxation year in which the distribution is made, it shall include the aggregate of its income of all previous taxation years; or
- (b) has, after 1971, distributed any of its income or distributed or otherwise appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof on the winding up or discontinuance of its business, the corporation shall be deemed to have received income in that taxation year equal to the amount, if any, by which the amount of the funds and the value of the property distributed or appropriated, as the case may be, exceeds the aggregate of,
  - (i) amounts paid in by proprietors, members or shareholders on account of capital, and
  - (ii) that part of the corporation's surplus that is attributed to income that was exempt under this section other than taxable capital gains,

and the corporation shall be liable for the taxes imposed under this Act for the taxation year in which the distribution is made.

(3) For the purposes of clause *b* of subsection 1, in computing the part, if any, of any income that was distributed or otherwise appropriated for the benefit of any person, the amount of such income shall be deemed to be the amount thereof otherwise determined less the amount of any taxable capital gains included therein.

Income not  
to include  
taxable  
capital  
gains

(4) The rules provided in subsections 2, 3, 4, 6, 8, 9 and 10 of section 149 of the *Income Tax Act* (Canada) are applicable for the purposes of this section.

Application  
of rules  
under  
R.S.C. 1952,  
c. 148

Idem

R.S.C. 1952,  
c. 148

(5) In the application of subsection 2 of section 149 of the *Income Tax Act* (Canada) for the purposes of this Act, the said subsection shall be read without the reference therein to paragraph *l*.

s. 126 (1) (c),  
re-enacted

9.—(1) Clause *c* of subsection 1 of section 126 of the said Act is repealed and the following substituted therefor:

(c) all its reserves, whether created from income or otherwise, except any reserve the creation of which is allowed as a deduction under the provisions of Part II, except paragraph *n* of subsection 1 of section 20 of the *Income Tax Act* (Canada) as that paragraph applies by virtue of subsections 1 and 8 of section 14 of this Act.

s. 126 (1) (d),  
re-enacted

(2) Clause *d* of subsection 1 of the said section 126, as re-enacted by the Statutes of Ontario, 1973, chapter 42, section 11, is repealed and the following substituted therefor:

(d) all sums or credits advanced or loaned to the corporation by its shareholders directly or indirectly or by any person related to any of its shareholders or by any other corporation; and

s. 127 (1) (b),  
re-enacted

10.—(1) Clause *b* of subsection 1 of section 127 of the said Act is repealed and the following substituted therefor:

(b) the amount of the discount on the issue or sale of the shares of the corporation.

s. 127 (1) (c),  
re-enacted

(2) Clause *c* of subsection 1 of the said section 127, as amended by the Statutes of Ontario, 1976, chapter 32, section 17 is repealed and the following substituted therefor:

Investments

(c) the amount that equals that proportion of the paid-up capital remaining after the deduction of the amounts provided by clauses *a*, *b* and *d* which the cost of the investments made by the corporation in the shares and bonds of other corporations, in loans and advances to other corporations and in the bonds, debentures and other securities of any government, municipal or school corporation bears to the total of the assets of the corporation remaining after the deductions of the amounts provided by clauses *a*, *b* and *d*, but,



- (i) the deduction under this clause shall in no case exceed the cost of the investments in respect of which the deduction is claimed, and
- (ii) cash on deposit with any corporation doing the business of a savings bank and amounts due by a corporation with its head office outside Canada to a subsidiary controlled corporation or a subsidiary wholly-owned corporation taxable under this Part are deemed not to be loans and advances to other corporations.

(3) Clause *d* of subsection 1 of the said section 127, as enacted by the Statutes of Ontario, 1976, chapter 32, section 17, is amended by striking out "section 63" in the fifth line and inserting in lieu thereof "section 20". s. 127 (1) (d).  
amended

(4) Clause *d* of subsection 2 of the said section 127 is repealed and the following substituted therefor: s. 127 (2) (d).  
re-enacted

(*d*) by which the value of an asset of a corporation has been written down and deducted from its income or undivided profits where such amount is deductible under the provisions of Part II except paragraph *n* of subsection 1 of section 20 of the *Income Tax Act* (Canada) as that paragraph applies by virtue of subsections 1 and 8 of section 14 of this Act. R.S.C. 1952.  
c. 148

11. Subclause ii of clause *b* of subsection 1 of section 128 of the said Act is repealed and the following substituted therefor: s. 128 (1) (b)  
(ii).  
re-enacted

(ii) the amount of the indebtedness of the corporation relating to its permanent establishments in Canada, but excluding therefrom,

(A) all amounts that are advanced or loaned to its permanent establishments in Canada by the corporation itself or by its shareholders directly or indirectly or by any person related to any of its shareholders or by any other corporation, and

(B) all other indebtedness that is represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and



any other securities to which the property in Canada or any of it is subject,

s. 130,  
amended

- 12.** Section 130 of the said Act is amended by striking out "clause *c* of subsection 1 of section 75" in the seventh and eighth lines and inserting in lieu thereof "paragraph *c* of subsection 1 of section 81 of the *Income Tax Act* (Canada) as that paragraph applies by virtue of section 24 of this Act".

s. 135,  
re-enacted

- 13.** Section 135 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 75, section 10, is repealed and the following substituted therefor:

Idem

135.—(1) Except as provided in subsection 10 of section 14, every corporation referred to in subsection 1 of section 49, other than a corporation referred to in paragraph *m* of subsection 1 of section 149 of the *Income Tax Act* (Canada), shall not be required to pay the taxes otherwise payable under section 131 or 133.

Idem

(2) Subject to subsection 3, every corporation referred to in clause *d* of subsection 1 of section 1, and sections 40 and 44 of this Act and paragraph *m* of subsection 1 of section 149 of the *Income Tax Act* (Canada) shall, in lieu of the tax payable under section 131 or 133, pay a tax of \$50.

Idem

(3) Subsection 2 does not apply in the case of a corporation referred to in clause *d* of subsection 1 of section 1 where, pursuant to subsection 2 of section 31 of the *Income Tax Act* (Canada) as made applicable by subsection 1 of section 14 of this Act, the Minister has determined that the chief source of income of the corporation for a taxation year is neither farming nor a combination of farming and some other source of income.

s. 137,  
amended

- 14.** Section 137 of the said Act is amended by striking out "section 122" in the first line and in the sixth line and inserting in lieu thereof in each instance "section 49".

s. 145,  
amended

- 15.** Section 145 of the said Act is amended by adding thereto the following subsection:

Trustees,  
etc.

(3) Every trustee in bankruptcy, assignee, liquidator, curator, receiver, trustee or committee and every agent or other person administering, managing, winding-up, controlling or otherwise dealing with the property, business, estate or income of a corporation that has not filed a return for a

taxation year as required by this section shall file the return required by subsection 1 for that corporation for that year.

- 16.—(1) Subclause i of clause b of subsection 3 of section 148 of the said Act, as re-enacted by the Statutes of Ontario, 1975, chapter 17, section 64, is repealed and the following substituted therefor:

- (i) on or before the last day of the third month of the taxation year following that in respect of which the tax is payable, where an amount was deducted by virtue of section 125 of the *Income Tax Act* (Canada) in computing the tax payable by the corporation under Part I of that Act for the taxation year or the immediately preceding taxation year, or

s. 148 (3) (b) (i),  
re-enacted

R.S.C. 1952,  
c. 148

- (2) Clause b of subsection 5 of the said section 148, as enacted by the Statutes of Ontario, 1976, chapter 32, section 19, is amended by striking out "subsections 2 and 2a of section 109" in the second and third lines and inserting in lieu thereof "section 41".

s. 148 (5) (b),  
amended

- (3) Subsection 6 of the said section 148, as enacted by the Statutes of Ontario, 1976, chapter 32, section 19, is amended by striking out "subsections 2 and 2a of section 109" in the fourth and fifth lines and inserting in lieu thereof "section 41".

s. 148 (6),  
amended

17. Subsection 4 of section 149 of the said Act is amended by striking out "section 99" in the second line and in the twelfth line and inserting in lieu thereof in each instance "section 111 of the *Income Tax Act* (Canada) as made applicable by section 29 of this Act".

s. 149 (4),  
amended

- 18.—(1) Subsection 1 of section 150 of the said Act is repealed and the following substituted therefor:

s. 150 (1),  
re-enacted

(1) The Minister shall with all due despatch examine each return delivered under section 145, shall assess the tax for the taxation year and the interest and penalties, if any, payable and shall determine the amount of refund, if any, to which the corporation may be entitled by virtue of section 39 or 41 for the taxation year.

Assessment  
of returns

(1a) The Minister may determine the amount of a corporation's non-capital loss, net-capital loss or restricted farm loss for a taxation year where, in his opinion, the amount thereof is different from the amount reported by the corporation in its return delivered under section 145 for the taxation year.

Deter-  
mination  
of loss



Provisions  
applicable  
R.S.C. 1952,  
c. 148

(1*b*) The provisions of paragraph *l* of subsection 1 of section 56 and paragraph *o* of section 60 of the *Income Tax Act* (Canada), as those paragraphs apply by virtue of sections 16 and 17, respectively, of this Act, and the provisions of this Part shall apply, *mutatis mutandis*, to a determination under subsection 1 or 1*a*.

s. 150 (4) (*a*)  
(*v*),  
re-enacted

(2) Subclause *v* of clause *a* of subsection 4 of the said section 150 is repealed and the following substituted therefor:

(*v*) has claimed a deduction under paragraph *s* of subsection 1 of section 20 of the *Income Tax Act* (Canada) as made applicable by section 14 of this Act; and

s. 150 (5),  
amended

(3) Subsection 5 of the said section 150 is amended by striking out "section 99" in the sixth line and inserting in lieu thereof "section 111 of the *Income Tax Act* (Canada) as made applicable by section 29 of this Act".

s. 152 (4),  
amended

**19.**—(1) Subsection 4 of section 152 of the said Act is amended by inserting after "section 154" in the first line "or by virtue of a decision made under section 160*b*".

s. 152 (7),  
amended

(2) Subsection 7 of the said section 152 is amended by striking out "section 99" in the second line and in the twelfth and thirteenth lines and inserting in lieu thereof in each instance "section 111 of the *Income Tax Act* (Canada), as made applicable by section 29 of this Act".

s. 153 (1),  
amended

**20.** Subsection 1 of section 153 of the said Act is amended by striking out "to the extent that interest has been otherwise assessed under subsection 2 of section 149 except that under no circumstances shall the credit interest so allowed exceed the interest otherwise assessed under that section" in the ninth, tenth, eleventh, twelfth and thirteenth lines.

s. 154,  
amended

**21.** Section 154 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 32, section 21, is further amended by adding thereto the following subsection:

Reassess-  
ment,  
additional  
assessment or  
deter-  
mination  
does not in-  
validate  
objection  
or appeal

(6) Where a corporation has served a notice of objection to an assessment in accordance with this section or has instituted an appeal in accordance with section 155 and thereafter the Minister issues to the corporation,

(*a*) a reassessment or additional assessment of tax interest or penalties under section 150; or

- (b) a determination of the amount of a refund or loss under subsection 1 or 1a of section 150,

for the taxation year in respect of which the notice of objection was served or the appeal instituted, and sends to the corporation a notice of such reassessment, additional assessment or determination,

- (c) the reassessment, additional assessment or determination does not invalidate the notice of objection or appeal, as the case may be; and
- (d) the corporation may, if section 160b does not apply, file an additional objection in respect of any new matters raised in the reassessments, additional assessment or determination, as the case may be.

22.—(1) Subsection 1 of section 155 of the said Act is amended by adding at the end thereof “and notwithstanding section 17 of *The Judicature Act* the appeal shall be heard and determined by a judge of the High Court and not by the Divisional Court”. s. 155 (1),  
amended

(2) Subsections 5 and 6 of the said section 155 are repealed. s. 155 (5, 6),  
repealed

23. Subsection 1 of section 157 of the said Act is amended by striking out “and, unless the court otherwise orders, ready for hearing” in the sixth and seventh lines. s. 157 (1),  
amended

24. The said Act is further amended by adding thereto the following sections: ss. 160a, 160b,  
enacted

160a. The time within which a notice of objection under subsection 1 of section 154 or a notice of appeal under subsection 1 of section 155 is to be served may be extended by the Minister if application for extension is made prior to the expiration of the time for service of the notice of objection or notice of appeal, as the case may be. Extension  
of time

160b.—(1) Where,

- (a) a notice of assessment is issued to a corporation under section 150 that states on the face thereof that the assessment or a designated part thereof has been made pursuant to this section (which assessment or part, as the case may be, is hereinafter referred to as the designated assessment);

- (b) a notice of assessment has been issued to the corporation under the *Income Tax Act* (Canada) based Alternative  
objection and  
appeal  
procedure  
  
R.S.C. 1952,  
c. 148



on provisions in that Act corresponding to the provisions in this Act on which the designated assessment was based;

- (c) the corporation has served a notice of objection to the assessment referred to in clause *b* in which the same issues have been raised as would have been raised in an objection to the designated assessment; and
- (d) the corporation has not served in accordance with section 154 a notice of objection to the designated assessment,

this section applies to the designated assessment, and in any such case, sections 154 to 160 do not apply, but those sections do apply to the part, if any, of the assessment referred to in clause *a* that is not a designated assessment.

Corporation  
and Minister  
bound

(2) The corporation and the Minister shall, with respect to a designated assessment to which this section applies, be bound by,

- (a) the decision of the Minister of National Revenue for Canada from which no appeal is taken in accordance with the *Income Tax Act* (Canada); or
- (b) where an appeal is instituted, the final disposition of the appeal by the Tax Review Board or any court of competent jurisdiction; or
- (c) any minutes of settlement of the issues raised in the notice of objection to the assessment referred to in clause *b* of subsection 1 made between the corporation and the Minister of National Revenue for Canada at any stage of the proceedings following the service of that notice of objection,

R.S.C. 1952,  
c. 148

and in any such case the Minister shall, where necessary, reassess the corporation in accordance therewith.

Idem

(3) Sections 154 to 160 do not apply to the reassessment referred to in subsection 2.

s. 167 (1, 2),  
re-enacted

**25.** Subsections 1 and 2 of section 167 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 32 and 1975, chapter 17, section 66, are repealed and the following substituted therefor:

(1) All taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act in respect of any taxation year of a corporation that commenced in any calendar year ending after the 31st day of December, 1972 are debts due to Her Majesty and, subject to the *Bankruptcy Act* (Canada), are a first lien and charge upon property in Ontario of the corporation liable to pay such taxes, interest, penalties, costs and other amounts.

Lien in respect of taxes and other amounts imposed

R.S.C. 1970, c. B-4

(2) At the expiry of each calendar year following 1977, the reference in subsection 1 to "1972" shall be advanced by one year.

Expiry of lien

(2a) Subsections 1 and 2 do not apply to extinguish or remove any lien or charge that is claimed under this or any predecessor Act in a Notice of Lien that is registered in the proper land registry office.

Exception re registered liens

26. The said Act is further amended by striking out "fiscal year" wherever it occurs and inserting in lieu thereof in each instance "taxation year".

Act amended

27.—(1) This Act, except clause *d* of subsection 7 and subsection 11 of section 14 of the said Act, subsection 5 of section 15 of the said Act, subsections 4, 5 and 6 of section 16 of the said Act, section 19 of the said Act, subsection 5 of section 25 of the said Act, and section 31 of the said Act, all as enacted by section 8 of this Act, subsection 1 of section 19 and sections 20, 21, 22, 23, 24, 25 and 26, of this Act, comes into force on the day it receives Royal Assent and applies to corporations in respect of all taxation years ending on or after that day.

Commencement and application

(2) Clause *d* of subsection 7 of section 14 of the said Act and section 19 of the said Act, both as enacted by section 8 of this Act, shall be deemed to have come into force on the 20th day of April, 1977 and apply to corporations in respect of all taxation years ending after the 19th day of April, 1977.

Idem

(3) Subsection 11 of section 14 of the said Act, subsection 5 of section 15 of the said Act, subsections 4, 5 and 6 of section 16 of the said Act, subsection 5 of section 25 of the said Act and section 31 of the said Act, all as enacted by section 8 of this Act, come into force on a day to be named by proclamation of the Lieutenant Governor, and when in force, apply to corporations in respect of all taxation years ending on or after the day that *The*

Idem

1977, c. 10

*Venture Investment Corporations Registration Act, 1977* comes into force.

Idem

- (4) Subsection 1 of section 19 and sections 21, 22, 23, 24, 25 and 26 come into force on the day this Act receives Royal Assent.

Idem

- (5) Section 20 of this Act comes into force on the day this Act receives Royal Assent and applies to instalments of tax payable in respect of all taxation years ending on or after that day.

Idem  
R.S.C. 1952,  
c. 148.

- (6) The amendments to the *Income Tax Act* (Canada) made by,

(a) an Act to amend the *Income Tax Act*, being chapter 106 of the Statutes of Canada, 1974-75-76; and

(b) an Act to amend the *Income Tax Act*, being chapter 4 of the Statutes of Canada, 1976-77,

1972, c. 143

to sections of that Act which are by this Act made applicable for the purposes of *The Corporations Tax Act, 1972* shall be deemed to have come into force for the purposes of *The Corporations Tax Act, 1972* at the same time and to apply in the same manner as those amendments were brought into force and made applicable by the said Acts to amend the *Income Tax Act* (Canada).

Short title

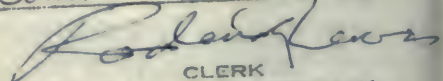
**28.** The short title of this Act is *The Corporations Tax Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 7 19 77

ASSEMBLY PROROGUED

December 16 19 77



CLERK  
LEGISLATIVE ASSEMBLY









An Act to amend  
The Corporations Tax Act, 1972

---

*1st Reading*

November 1st, 1977

*2nd Reading*

November 29th, 1977

*3rd Reading*

December 6th, 1977

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---

*Pauline G. G. S. Howe*  
BILL 91

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Assessment Act**

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---





BILL 91

1977

## An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 86 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1976, chapter 65, section 1, is amended, <sup>s. 86, amended</sup>

(a) by striking out "and" at the end of clause *b* and by adding "and" at the end of clause *c*;

(b) by adding thereto the following clause;

(d) subject to subsection 2, the assessment roll of a municipality to be returned in the year 1977 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1976 for taxation in the year 1977 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1977,

. . . . .

(c) by striking out "1975 or 1976" in the twenty-eighth line and inserting in lieu thereof "1975, 1976 or 1977"; and

(d) by adding thereto the following subsection:

(2) Where the erection, alteration, enlargement or improvement of any building, structure, machinery, equipment or fixture or any portion thereof increases the value of any real property in a municipality or locality by at least \$2,500, and where such increase in value has not been, or is not liable to be, assessed pursuant to section 43, such increase in value shall be assessed and included in the assessment roll to be returned in the municipality or locality next after

Increases in  
value to be  
added to  
assessment  
roll

such increase comes to the attention of, and the amount thereof has been determined by, the Assessment Commissioner.

s. 95,  
re-enacted

2. Section 95 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 65, section 2, is repealed and the following substituted therefor:

Application

95. Section 90 ceases to be in force on the 19th day of December, 1978, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1978.

s. 96,  
re-enacted

3. Section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 31 and amended by 1976 chapter 65, section 3, is repealed and the following substituted therefor:

Application

96.—(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1978.

Idem

(2) Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1979.

s. 97 (1),  
amended

- 4.—(1) Subsection 1 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2 is amended by striking out "93, 94 or" in the seventeenth line.

s. 97 (2),  
amended

- (2) Subsection 2 of the said section 97, as amended by the Statutes of Ontario, 1975 (2nd Session), chapter 2 section 3, is further amended by striking out "1977" as inserted in the third line by the said amendment and inserting in lieu thereof "1979".

s. 97 (5),  
amended

- (3) Subsection 5 of the said section 97, as amended by the Statutes of Ontario, 1973, chapter 148, section 5, is further amended by striking out "section 72" in the first line and in the fifteenth line and inserting in lieu thereof in each instance "section 507 of *The Municipal Act*".

Commence-  
ment

- 5.—(1) This Act, except section 3, comes into force on the 1st day of December, 1977.

Idem

- (2) Section 3 shall be deemed to have come into force on the 1st day of January, 1977.

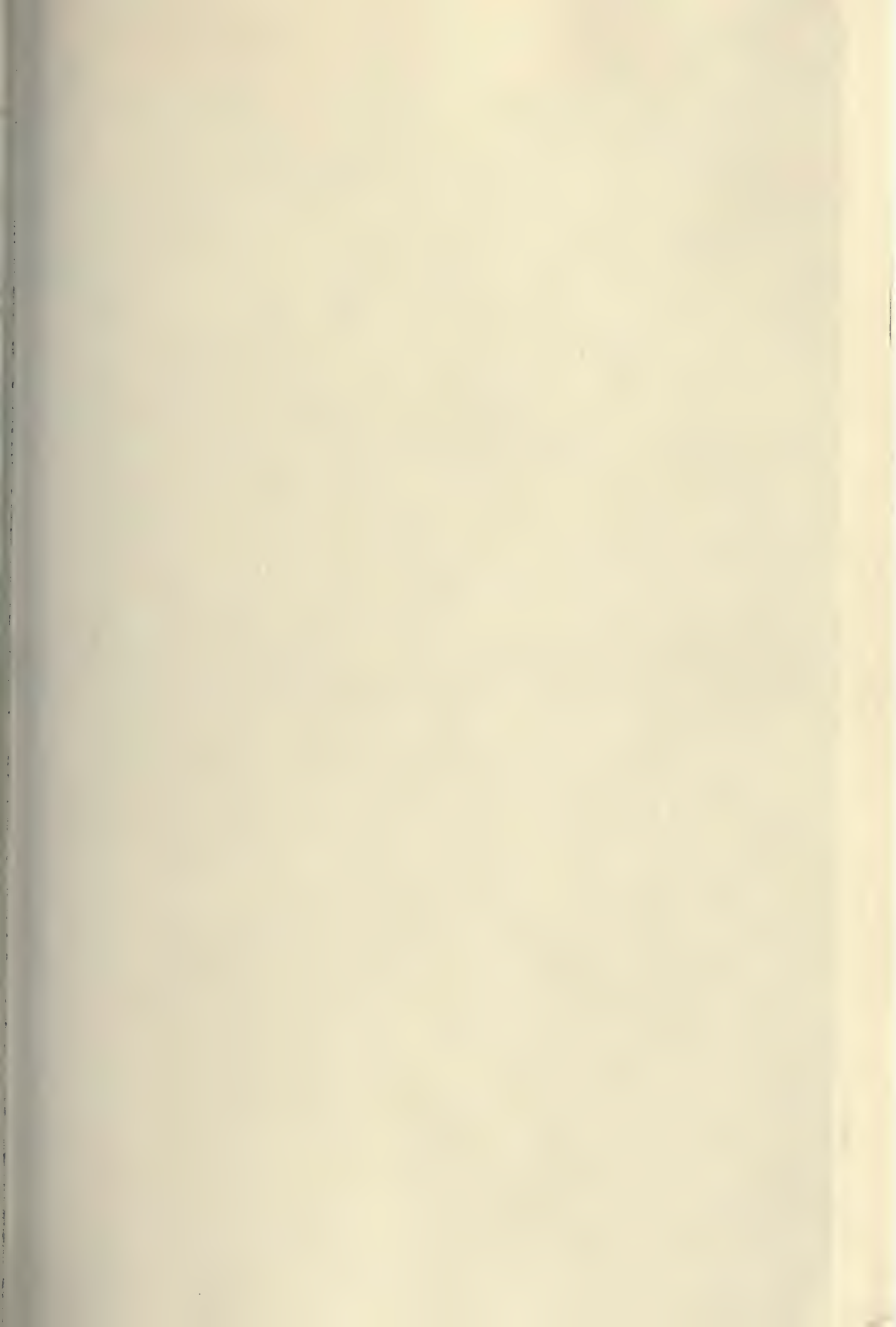
Short title

6. The short title of this Act is *The Assessment Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 1 19 77

ASSEMBLY PROROGUED December 16 19 77

*R. L. Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY









An Act to amend  
The Assessment Act

---

*1st Reading*

November 3rd, 1977

*2nd Reading*

November 29th, 1977

*3rd Reading*

November 29th, 1977

---

THE HON. MARGARET SCRIVENER  
Minister of Revenue

---

*Parliamentary C. G. S. Hon*

**BILL 94**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Negligence Act**

---

THE HON. R. MCMURTRY  
Attorney General

---





BILL 94

1977

## An Act to amend The Negligence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 2 of *The Negligence Act*, being s. 2 (1),  
chapter 296 of the Revised Statutes of Ontario, 1970,  
is amended by striking out "except as provided by sub-  
sections 2, 3 and 4" in the fourth line. <sup>amended</sup>
- (2) Subsections 2 and 3 of the said section 2 are repealed. <sup>s. 2 (2, 3),  
repealed</sup>
2. Section 1 does not apply in respect of any action brought <sup>When s. 1  
does not  
apply</sup>  
for any loss or damage resulting from bodily injury to, or  
the death of any person being carried in, or upon, or entering,  
or getting on to, or alighting from a motor vehicle other  
than a vehicle operated in the business of carrying passengers  
for compensation, where the cause of action arose before this  
Act comes into force.
3. This Act comes into force on a day to be named by proclama- <sup>Commence-  
ment</sup>  
tion of the Lieutenant Governor.
4. The short title of this Act is *The Negligence Amendment Act*, <sup>Short title</sup>  
1977.

ASSAYED TO BY LIEUTENANT-GOVERNOR

ASSEMBLY PROROGUED

CLERK

LEGISLATIVE ASSEMBLY

ALL ACT TO AMEND  
The Negligence Act

---

*1st Reading*

November 4th, 1977

*2nd Reading*

December 6th, 1977

*3rd Reading*

December 6th, 1977

---

THE HON. R. MCMURTRY  
Attorney General

---

*Pauline R. G. S. Hon*  
**BILL 97**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act respecting the Sandwich,  
Windsor and Amherstburg Railway**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---



Handwritten text at the top of the page, possibly a title or header.

Handwritten text in the upper middle section of the page.

Handwritten text in the middle section of the page.

Handwritten text in the lower middle section of the page, possibly a signature or a large heading.

Handwritten text at the bottom of the page, possibly a footer or a concluding statement.

BILL 97

1977

## An Act respecting the Sandwich, Windsor and Amherstburg Railway

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The body corporate and politic created and constituted by section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, being chapter 17, under the name of the "Sandwich, Windsor and Amherstburg Railway Company" and re-created under that name by the Statutes of Ontario, 1939, chapter 43, section 3, is continued as a body corporate under the name of "Transit Windsor".

Corporation  
continued  
under  
name  
"Transit  
Windsor"

2. A reference in any general or special Act, or in any by-law, regulation, contract, agreement or other document to the Sandwich, Windsor and Amherstburg Railway Company shall be deemed to be a reference to Transit Windsor.

References  
in Acts,  
etc.

3. This Act shall be deemed to have come into force on the 15th day of October, 1977.

Commence-  
ment

4. The short title of this Act is *The Sandwich, Windsor and Amherstburg Railway Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 1 1977

ASSEMBLY PROROGUED December 16 1977

*Rodriguez*  
CLERK

LEGISLATIVE ASSEMBLY

An Act respecting the Sandwich,  
Windsor and Amherstburg Railway

---

*1st Reading*

November 8th, 1977

*2nd Reading*

November 29th, 1977

*3rd Reading*

November 29th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*Pauline G. G. S. L. Hon*

**BILL 98**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to revise  
The Municipal Elections Act, 1972**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 98

1977

**An Act to revise  
The Municipal Elections Act, 1972**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

1. "advance poll" means a poll held under section 66;
2. "assessment commissioner" in relation to a municipality means the assessment commissioner appointed under *The Assessment Act* for the assessment region in which the municipality is situate; R.S.O. 1970,  
c. 32
3. "assistant returning officer" means a person appointed by the clerk to assist him in the conduct of the election;
4. "assistant revising officer" means a person appointed by the clerk to assist him in the revision of the list of electors;
5. "candidate" means a person who is nominated for election to office in accordance with this Act and whose nomination is certified by the clerk;
6. "clerk" with respect to a municipality means the clerk of the municipality;
7. "constable" means a constable or a person appointed as a constable by the clerk or the deputy returning officer to maintain peace and order at an election;
8. "corrupt practice" means any act or omission in connection with an election in respect of which an offence is provided under the *Criminal Code* (Canada) or which is a corrupt practice under this Act; R.S.C. 1970,  
c. C-34
9. "deputy returning officer" means a deputy returning officer appointed for a polling place under this Act;

10. "election" means an election governed by this Act;
11. "election assistant" means a person appointed by the clerk to assist in the conduct of an election;
12. "election year" means a year in which a regular election is held in accordance with the provisions of this Act;
13. "elector" means a person entitled under this Act to vote in an election;
- R.S.O. 1970,  
c. 32 14. "enumerated" means enumerated under *The Assessment Act*;
- R.S.O. 1970,  
c. 225 15. "holiday" means a holiday as defined in *The Interpretation Act*;
- R.S.O. 1970,  
c. 118 16. "local board" means a local board as defined in *The Municipal Affairs Act*;
- 1974, c. 109 17. "locality" means territory without municipal organization that is deemed a district municipality under *The Education Act, 1974*;
18. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
19. "municipality" means a city, town, village or township;
20. "new election" means an election other than a regular election;
21. "nomination day" means the last day for filing nominations;
22. "oath" includes an affirmation;
23. "office" means an office, the election to which is governed by this Act;
24. "owner or tenant" means a person enumerated as owner or tenant of land separately assessed or liable to be separately assessed under *The Assessment Act*;
25. "polling day" means the day on which the poll is to be taken under this Act;
26. "polling list" means the list of electors for each polling subdivision revised and certified by the clerk;

27. "polling place" means the area designated by the clerk in which the facilities for the conduct of the poll are situate;
28. "polling subdivision" means a polling subdivision established by the clerk under this Act;
29. "preliminary list" means a preliminary list of electors;
30. "prescribed" means prescribed by the Minister;
31. "public school elector" means an elector who is not a separate school elector;
32. "quorum" means a majority of the members of council or of a local board or the trustees of a police village, as the case may be;
33. "regular election" means an election required to be held under section 10 of this Act;
34. "residence", and similar expressions used in relation to a person, means his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:
  - (a) The place where a person's family resides shall be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.
  - (b) The place where a person occupies a room or part of a room as a regular lodger or to which he habitually returns not having any other permanent lodging place, shall be deemed to be his residence;
35. "scrutineer" means any person appointed as a scrutineer by a candidate or by a council under section 6;
36. "separate school elector" means an elector who is a Roman Catholic separate school supporter or who is a Roman Catholic and the spouse of such supporter and any person entitled to be a separate school elector under *The Education Act, 1974*. 1972, c. 95, s. 1; 1974, c. 109 1974, c. 32, s. 1, *amended*.



## APPLICATION OF ACT

Application  
of Act

**2.** Notwithstanding any other general or special Act, this Act applies to and governs all elections,

(a) to the offices of,

(i) member of the council of a municipality,

(ii) member of the council of a regional municipality where such office is required to be filled by a vote of the electors of an area municipality,

(iii) trustee of a police village,

(iv) member of a local board whose members are to be elected at elections required by law to be conducted by the same officers and in the same manner as elections of members of the council of a municipality;

(b) to obtain the assent of electors on any by-law required or authorized by law to be submitted for their assent at an election; and

(c) to obtain the opinion of the electors on any question required or authorized by law to be submitted to the electors at an election. 1975, c. 95, s. 2 (1), *amended*.

## ELECTION OFFICIALS

Returning  
and  
revising  
officer

**3.—(1)** Subject to subsections 2 and 3, the clerk of a municipality is the returning officer and revising officer for the purpose of the conduct of elections within the municipality or a part thereof.

Returning  
officer in  
police  
village

(2) For the purpose of elections of trustees of a police village, the clerk of the municipality in which the police village is located shall be the returning officer for the election and where the police village is located in two or more municipalities,

(a) the nominations for trustees shall be filed with the clerk of the municipality having the largest number of electors of the police village who shall send to the clerk of each municipality concerned by registered mail within forty-eight hours after the closing of nominations the names of the candidates; and

- (b) the clerk of each other municipality in which part of the police village is located shall be the returning officer for the vote to be recorded in his municipality and he shall forthwith report the vote recorded to the returning officer referred to in clause *a* who shall prepare the final summary and announce the vote.

(3) The clerks of municipalities to which subsections 23 and 28 of section 57 and subsection 21 of section 110 of *The Education Act, 1974* apply shall perform the duties as returning officers for the purposes of an election under this Act as are specified in those provisions. 1972, c. 95, s. 3, *amended*.

Clerks,  
duties in  
relation to  
school  
boards  
1974, c. 109

4.—(1) The clerk of every municipality shall for the purposes of an election appoint a deputy returning officer and a poll clerk for each polling place established in the municipality and, as far as is practicable, the deputy returning officers and poll clerks shall be appointed for polling places for the polling subdivisions in which they reside but no candidate is eligible to be appointed as a deputy returning officer or poll clerk. 1972, c. 95, s. 4 (1), *amended*.

D.R.O. and  
poll clerk

(2) If a deputy returning officer or poll clerk signifies to the clerk that he will not act, the clerk shall appoint another person to act in his place.

Where  
unable  
to act

(3) If a deputy returning officer or poll clerk does not attend at the opening of the poll, the clerk shall appoint another person to act in his place.

Non-  
attendance  
of D.R.O.,  
poll clerk

(4) If a deputy returning officer through illness or for any other reason becomes unable to perform his duties on polling day, the clerk shall appoint another person to act in his place. 1972, c. 95, s. 4 (2-4), *amended*.

Poll clerk  
to act for  
D.R.O.

(5) The clerk may appoint election assistants, assistant returning officers and assistant revising officers to assist him in the performance of his duties and provide for such clerical and other assistance as is necessary for such purpose, but no candidate is eligible for any such appointment. 1972, c. 95, s. 4 (5), *amended*.

Assistants

(6) The clerk may, in writing, delegate to the assistant returning officers and assistant revising officers appointed under subsection 5, such of his statutory rights and duties in relation to the preparation for and conduct of the election as he considers necessary. *New*.

Delegation  
by clerk

Duties of  
poll clerk

(7) The poll clerk and an election assistant, if any, shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders. 1972, c. 95, s. 4 (6).

Oath

(8) Every returning officer, deputy returning officer, poll clerk, election assistant, assistant returning officer, assistant revising officer, scrutineer, constable and other person authorized to attend at a polling place shall, before entering upon his duties, take and subscribe an oath in the prescribed form. 1972, c. 95, s. 4 (7); 1974, c. 32, s. 2.

Oath of  
D.R.O.

(9) The appointment and oath of the deputy returning officer under subsection 8 shall be endorsed upon or attached to the polling list maintained by the poll clerk for the polling place for which he is appointed. 1972, c. 95, s. 4 (8), *amended*.

Who may  
administer  
oaths

**5.—**(1) Except where otherwise provided, an oath may be administered by any person authorized by law to administer oaths in Ontario.

Idem

(2) The clerk may administer any oath required by this Act, and deputy returning officers and poll clerks may administer any such oath except an oath to be taken by the clerk.

No charge

(3) Every person administering an oath under or for the purposes of this Act shall administer the oath gratuitously. 1972, c. 95, s. 5.

Scrutineers  
appointed by  
candidate

**6.—**(1) Each candidate may appoint in writing such number of persons who are at least sixteen years of age as he considers advisable as scrutineers to represent him in a polling place and at the counting of votes under this Act. 1972, c. 95, s. 6 (1), *amended*.

Limit on  
number  
present

(2) Not more than one scrutineer representing each candidate may be present for any of the purposes specified in subsection 1 at any time. 1972, c. 95, s. 6 (2).

Scrutineers  
appointed  
by council

(3) The council of a municipality may, if requested to do so, by resolution appoint as scrutineers in relation to voting on any by-law or question submitted to the electors at an election two persons to attend at the final summing up of the votes by the clerk and two persons to attend at each polling place, one such person in each case on behalf of the persons interested in and desirous of promoting the proposed by-law or voting in the affirmative on the question and the other such person on behalf of the persons interested in and desirous of opposing the proposed by-law or voting in the negative on the question. 1972, c. 95, s. 7 (1).



7. A person appointed as a scrutineer under section 6, <sup>Production of appointment</sup> before being admitted to a polling place shall, if so requested, produce and show his appointment to the deputy returning officer for the polling place. 1974, c. 32, s. 4, *amended*.

#### COSTS OF ELECTION

8.—(1) Except where otherwise specifically provided by <sup>Cost of election</sup> this or any other special or general Act, the cost of an election shall be borne by the municipality in which it is held.

(2) The reasonable expenses incurred by a clerk or any other <sup>Expenses of officers</sup> officer for printing, providing ballot boxes, ballot papers, materials for marking ballot paper, and balloting compartments, and for the transmission of packets, and reasonable fees and for allowances for services rendered under this Act or otherwise on account of an election shall be paid by the treasurer of the municipality to the persons entitled thereto. 1972, c. 95, s. 8 (1, 2).

(3) Where the clerk of a municipality is required to conduct an election of a member or members <sup>Expenses of by-election of local board</sup> of a local board other than at a regular election, the board shall forthwith reimburse the treasurer of the municipality for the cost of employing deputy returning officers, poll clerks and other election officials and for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places for nomination and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable costs including the cost of printing and distribution of but not preparation otherwise of the polling list. 1972, c. 95, s. 8 (3), *amended*.

#### TERM OF OFFICE

9.—(1) Notwithstanding any other general or special Act <sup>Two-year term</sup> and except where otherwise specifically provided in this Act, the term of office of all offices, the election to which is governed by this Act, shall be two years, commencing on the first day of December in an election year. 1972, c. 95, s. 9 (1), *amended*.

(2) The holders of offices hold office until their successors <sup>Until new council organized</sup> are elected and the newly elected council or local board is organized. 1972, c. 95, s. 9 (2).

#### BIENNIAL ELECTIONS

10.—(1) An election shall be held in accordance with this <sup>Election year</sup> Act in each municipality in the year 1978 and in every



second year thereafter for the purpose of electing persons to offices. 1972, c. 95, s. 10 (1), *amended*.

Vote on  
question,  
etc.

1975, c. 40

(2) Where a by-law requires the assent or a question is authorized or required to be submitted to obtain the opinion of the electors, the vote thereon shall be taken at the next regular election unless otherwise provided by order of the Ontario Municipal Board or in the case of a question submitted under *The Liquor Licence Act, 1975*, unless the Liquor Licence Board approves the taking of the vote on some other day. 1972, c. 95, s. 10 (4), *amended*.

#### POLLING DAY

Polling  
day

**11.**—(1) Polling day in a regular election shall be the second Monday in November in each election year. 1972, c. 95, s. 11, *amended*.

Idem

(2) Where polling day as specified in subsection 1 falls on a holiday, polling day shall be the next succeeding day that is not a holiday, but the day for the undertaking of any other proceeding pertaining to the election shall not be affected thereby. *New*.

#### QUALIFICATION OF ELECTORS

Electors.  
resident

**12.** A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and if, at any time during the period commencing on the Tuesday following the first Monday in September in an election year and ending on the Friday in October that precedes polling day by seventeen days, he,

- (a) is a resident in such municipality;
  - (b) is a Canadian citizen or other British subject; and
  - (c) has attained the age of eighteen years or on or before polling day will attain the age of eighteen years.
- 1974, c. 32, s. 5, *part, amended*.

Electors.  
non-resident

**13.** A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and is not resident in such municipality at any time during the period commencing on the Tuesday following the first Monday in September in an election year and ending on the Friday in October that precedes polling day by seventeen days, but at any time during such period, he,

- (a) is the owner or tenant of land in the municipality or the spouse of such an owner or tenant;

- (b) is a Canadian citizen or other British subject; and
- (c) has attained the age of eighteen years or on or before polling day will attain the age of eighteen years.  
1974, c. 32, s. 5, *part, amended*.

**14.** No judge of any court is qualified to vote in any election. 1974, c. 32, s. 5, *part*. Judges not qualified to vote

**15.** For the purpose of sections 12 and 13, a statutory declaration by a person claiming that he is a Canadian citizen or other British subject is *prima facie* proof of the fact declared to. 1972, c. 95, s. 14. Evidence of citizenship

#### QUALIFICATION OF ELECTORS TO VOTE ON MONEY BY-LAWS

**16.** Every person entitled to be an elector in a municipality under section 12, 13 or 33 is entitled to be an elector to vote on a money by-law submitted for the assent of the electors of the municipality. 1972, c. 95, s. 15, *part*. Who may vote on money by-laws

#### POLLING SUBDIVISIONS

**17.** Subject to section 18, the clerk shall divide the municipality into polling subdivisions and shall not later than the first day of April in an election year inform the assessment commissioner of the boundaries of each subdivision. 1972, c. 95, s. 17 (1); 1974, c. 32, s. 8, *amended*. Polling subdivisions

**18.** A polling subdivision shall not, so far as is practicable, Size

- (a) contain more than 350 electors; or
- (b) extend beyond the boundaries of one ward or of an electoral district established for the purposes of the election of members to the Assembly. 1972, c. 95, s. 17 (2).

#### PREPARATION OF PRELIMINARY LIST OF ELECTORS

**19.** An assessment commissioner shall, during the period commencing on the Tuesday following the first Monday in September and ending on the 30th day of September in an election year, from an enumeration taken during that period, compile for each polling subdivision in each municipality and locality in his assessment region a list containing the name and address of each person who meets the requirements for an elector under section 12 or 13 and such list shall signify opposite the name of an elector, Preliminary list of electors

- (a) who does not reside in the municipality, that he does not so reside;
- (b) who is enumerated as a Roman Catholic separate school supporter, that he is a separate school elector;

(c) who is a Roman Catholic and the spouse of a Roman Catholic separate school supporter, that such spouse is a separate school elector;

1974, c. 109

(d) who is enumerated as a separate school elector in accordance with *The Education Act, 1974*, that he is a separate school elector;

(e) who is an owner or tenant of land in the municipality, that he is such an owner or tenant. 1972, c. 95, s. 18; 1974, c. 32, s. 9, *amended*.

For polling  
subdivision  
where no  
wards

**20.**—(1) In a municipality or locality that is not divided into wards, the name of an elector shall be entered on the preliminary list,

(a) for the polling subdivision in which the elector resides; or

(b) if the elector does not reside in the municipality or locality, for the polling subdivision in which he or his spouse is owner or tenant of land.

For one  
polling  
subdivision  
only

(2) The name of an elector shall not be entered under this section on the preliminary list for more than one polling subdivision. 1972, c. 95, s. 19.

For polling  
subdivision  
where wards

**21.**—(1) In a municipality that is divided into wards, the name of an elector shall be entered in the preliminary list,

(a) where he resides in the municipality, for the polling subdivision in which he resides; or

(b) where he does not reside in the municipality, for a polling subdivision of a ward in which he or his spouse is the owner or tenant of land.

For one  
polling  
subdivision

(2) The name of an elector shall not be entered under this section in the preliminary list for more than one polling subdivision. 1972, c. 95, s. 20.

List  
delivered  
to clerk

**22.** The assessment commissioner shall deliver the list of electors prepared by him under sections 19, 20 and 21 to the clerk and, in respect of a locality, to the secretary of the school board on or before the thirty-first day after the commencement date of the enumeration period in an election year. 1972, c. 95, s. 21, *amended*.

Correction  
of list if  
manifest  
errors in it

**23.** Where it is apparent to the clerk or the secretary of the school board that the list or part thereof delivered to him under section 22 is not in conformity with the require-



ments for the polling subdivisions or that the list contains gross or manifest errors, the clerk or the secretary, as the case may be, prior to the printing or reproduction of the list required under section 24, correct the list or part thereof and shall forthwith notify the assessment commissioner of such corrections. 1974, c. 32, s. 10, *amended*.

#### PRELIMINARY LIST OF ELECTORS

**24.** Immediately after receipt of the list of electors delivered by the assessment commissioner under section 22, the clerk or secretary of the school board referred to in the said section 22, after making corrections, if any, under section 23, shall, Printing  
of list

- (a) cause the list to be printed or reproduced and such list shall be the preliminary list of electors;
- (b) fix the places at which and the times when revision of the list will be undertaken, and, subject to subsection 2 of section 25, such revision shall commence no later than fourteen days after delivery of the list to the clerk under section 22;
- (c) post notice of the date of the posting of the list, the last day for filing applications for revision of the list for the purpose of including names of electors who have not been included or of making additions or corrections to or deletions from the list, and the places and times at which the revision of the list will be undertaken in at least two conspicuous places in the municipality, and where there is a newspaper having general circulation in the municipality, publish the notice in such newspaper. 1974, c. 32, s. 11, *amended*.

#### REVISION OF PRELIMINARY LIST OF ELECTORS

**25.—(1)** Immediately after the printing or reproduction of the preliminary list of electors, the clerk shall post one copy of the list in a conspicuous place in his office and in at least two other conspicuous public places in the municipality. Revision  
of list  
1972, c. 95, s. 23 (1); 1974, c. 32, s. 12 (1), *amended*.

(2) The day of posting copies of the preliminary list under subsection 1 and of giving notice under section 24 shall be at least five days before the last day for filing applications for revision. 1972, c. 95, s. 23 (2); 1974, c. 32, s. 12 (2), *amended*. Time for  
posting



Last day  
for filing  
applications  
for revision  
of prelimin-  
ary list

(3) The last day for the filing of applications for revision of the preliminary list shall be the seventeenth day immediately preceding polling day and such applications may be filed with the clerk during his normal office hours. 1974, c. 32, s. 12 (3), *amended*.

Notice  
affixed  
to list

(4) The clerk shall affix to the outside or cover of each copy of the preliminary list of electors for an election a notice in prescribed form, over his name,

- (a) stating that the list is a preliminary list of all electors for the election or is a preliminary list of all electors for the polling subdivision, as the case may be, prepared as required by this Act;
- (b) setting forth the date on which the list was posted up in the office of the clerk;
- (c) giving notice to all electors to examine the list for the purposes of making additions or corrections to or deletions from the list; and
- (d) stating the last day for filing applications concerning such inclusions, additions, corrections or deletions. 1972, c. 95, s. 23 (3); 1974, c. 32, s. 12 (4).

Copies  
of list

(5) At the time of posting a notice under subsection 1, the clerk shall deliver or mail one copy of the preliminary list to,

- (a) the assessment commissioner;
- (b) every member of the council of the municipality and every trustee of a police village all or part of which is in the municipality;
- (c) the secretary of every local board the members of which are required to be elected at an election to be conducted by the clerk;
- (d) the clerk of the council of the county or of the district, regional or metropolitan municipality in which the municipality is situate;
- (e) the clerk of the municipality responsible for conducting the elections in any combined area for school board purposes;

- (f) the member of the House of Commons and the member of the Assembly representing the electoral district in which the municipality or any part thereof is situate.

(6) Every candidate for any office in an election is entitled to be furnished by the clerk with two copies of the preliminary list of electors entitled to vote in an election to such office. 1972, c. 95, s. 23 (4, 5). Candidates  
entitled  
to copies

**26.**—(1) The clerk or an assistant revising officer shall attend at the revision of the preliminary list and shall continue to do so from day to day or as required until all applications filed on or before the last day for filing applications for revision of the list have been disposed of. 1974, c. 32, s. 13, *part, amended*. Revision  
of list

(2) Notwithstanding that the time for filing applications for revision of the preliminary list under section 25 has not expired, the clerk may proceed to consider such applications as from time to time may be received and may determine and dispose of them. 1974, c. 32, s. 13, *part*. When  
applications  
may be  
considered

**27.**—(1) A person whose name has not been included in the preliminary list for a polling subdivision in a municipality or whose name has been included therein but the information relating to him set out therein is incorrect or whose name has been included therein as a non-resident and who is qualified to be an elector in more than one ward in the municipality may apply to the clerk or assistant revising officer of the municipality on or before the last day for filing applications for revision of the list to have his name included on the list or to have such information corrected or to have his name deleted from the list and to have it entered in the list of another ward in which he or his spouse is the owner or tenant of land. Application  
to enter name  
in list or  
correct  
information

(2) Every person applying under this section shall sign an application in the prescribed form in which all the information shall be sufficiently filled in, either by the applicant personally or by the clerk or assistant revising officer at the applicant's request and shall declare that he understands the effect of the statements in the application and that he is an elector entitled to have his name included on the list or to have the list corrected pursuant to his request before the clerk or assistant revising officer enters his name on the list or corrects the preliminary list, as the case may be. 1972, c. 95, s. 25 (1, 2). Application  
and  
declaration

Application  
filed person-  
ally or by  
agent

(3) An application made under this section and duly signed by the applicant may be filed by the applicant or by his agent on his behalf. 1974, c. 32, s. 14.

Interpreter

(4) When the language of an applicant under this section is not understood by the clerk or assistant revising officer, an interpreter provided by the applicant may be sworn and may act, but in the event of inability to secure an interpreter, the application may be refused.

Decision  
to amend  
list

(5) If it appears to the clerk or assistant revising officer that an applicant under this section understands the effect of the statements in the application and that the applicant is an elector whose name should be included in the polling list or that the amendment thereof that he requests should be made, he shall certify accordingly by signing the application.

Refusal to  
amend list

(6) If, in the opinion of the clerk or assistant revising officer, the statements made by an applicant in his application under this section do not show that the applicant is an elector entitled to have his name included in the polling list or to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. 1972, c. 95, s. 25 (3-5).

Application  
for deletion  
of name

**28.—**(1) At any time after the posting of the preliminary list of electors for a municipality and until the last day for filing applications for revision thereof, any person may file with the clerk an application, in the prescribed form, for deletion from the list of the name of a person who is not entitled as an elector to have his name entered thereon. 1972, c. 95, s. 26 (1); 1974, c. 32, s. 15 (1).

Notice to  
person  
where name  
objected to

(2) The clerk, upon receipt of an application under this section, shall forthwith cause to be served personally on or sent by registered mail to the person concerning whom the application is made at the address given in the preliminary list and at such other address, if any, as may be mentioned in the application, a notice of hearing requiring such person to appear in person or by his representative on a day and at a time to be fixed in the notice.

Copy of  
application  
to be served

(3) A copy of the application shall accompany a notice served or sent under subsection 2.

Notice to  
applicant

(4) The clerk shall notify the applicant of the time and place of the hearing.

Decision of  
clerk, etc.

(5) On the day for the hearing fixed in a notice given under this section, the person filing the application shall



attend before the clerk or assistant revising officer to establish the validity of such application and the clerk or assistant revising officer, after reviewing an explanation of the facts alleged and after hearing what is alleged by the person concerning whom the application was made or by his representative, may delete the name from the preliminary list if the clerk is satisfied of the validity of the application.

(6) Where a person concerning whom an application has been made under this section or his representative does not attend before the clerk or assistant revising officer on the day of hearing fixed in the notice and the clerk or assistant revising officer is satisfied that due notice of application has been given to the person or that he could not be found and the registered notice could not be delivered, the clerk or assistant revising officer may delete the name of such person from the preliminary list of electors but shall not do so except upon evidence under oath which satisfies him that the name should not have been included in the list. 1974, c. 32, s. 15 (2).

Where person  
objected to  
does not  
appear

(7) Where for any reason the name of a person is deleted from a preliminary list of electors, the clerk shall forthwith cause to be served personally on or sent by registered mail to that person at the address given in the preliminary list a notice indicating the reasons for which the person's name was deleted from the preliminary list and advising of the voting procedures under sections 33 and 56. *New.*

Where  
name  
deleted from  
preliminary  
list

**29.** Subject to section 33 or 56, the decision of the clerk or assistant revising officer to enter on or delete the name of a person as an elector from the preliminary list of electors is final for the purposes of this Act. 1972, c. 95, s. 27.

Decision  
final

**30.** Upon determination of all applications for revision of the preliminary list of electors for a municipality filed on or before the last day for filing applications for revision thereof, the clerk shall compile a statement of inclusions in, additions and changes to and deletions from the list, bearing the full name and address of each person who is the subject of the inclusion, addition, change or deletion, and shall send a certified copy of such statement to each person specified in subsections 5 and 6 of section 25. 1974, c. 32, s. 16, *amended.*

Statement  
of change

#### POLLING LIST

**31.** After compilation of the statement of additions, changes and deletions required under section 30, the clerk shall

Polling list



prepare the polling list of electors for each polling subdivision in his municipality by making the appropriate changes in the preliminary list in accordance with the statement and shall certify the list as so revised. 1972, c. 95, s. 29 (1).

Only  
persons  
in list  
entitled  
to vote

**32.** Except as provided in sections 33, 51 and 56 no person is entitled to vote at an election unless his name appears in the polling list certified under section 31 for the polling subdivision in which he tenders his vote. 1972, c. 95, s. 30.

Entry of name  
on list by  
D.R.O.

**33.—(1)** If a person whose name is omitted from a polling list certified under section 31, at any time after preparation of the polling list and prior to the closing of the poll, satisfies the clerk of the municipality on oath that he was entitled to be an elector under section 12 or 13 and to have his name entered on the preliminary list for the municipality, the clerk may issue a certificate in the prescribed form authorizing the deputy returning officer for the proper polling subdivision to enter the name of the elector on the polling list for the subdivision and to permit such person to vote, but such vote must be cast before the closing of the poll.

Idem

(2) Where the name of a person is omitted from the polling list as finally revised and such person satisfies the clerk of the municipality on oath that he was under section 12 or 13 otherwise entitled to be an elector and to be entered on the preliminary list except that he was not a Canadian citizen or other British subject, if such person produces for the inspection of the clerk his certificate of naturalization or other conclusive evidence that he has become a Canadian citizen or other British subject, the clerk may issue a certificate authorizing the proper deputy returning officer to enter the name of such person on the polling list to entitle him to vote as if his name had been entered thereon before the list was revised. 1974, c. 32, s. 18 (1).

Certificate  
to be  
produced

(3) A person is not entitled to vote under this section unless at the time he requests a ballot he produces and files with the deputy returning officer the certificate given by the clerk under subsection 1 or 2. 1972, c. 95, s. 31 (3); 1974, c. 32, s. 18 (2).

Copy to  
assessment  
commissioner

(4) The clerk shall furnish a copy of each certificate issued under this section to the assessment commissioner before the first Monday in December in an election year. 1974, c. 32, s. 18 (3), *part, amended*.

Entry on  
polling  
list

(5) The deputy returning officer shall enter or cause to be entered on the polling list maintained by the poll clerk

opposite the name and residence of the person voting under the authority of a certificate issued under this section, the words "Voted under section 33 certificate".

(6) The deputy returning officer shall enclose all certificates to which this section applies in one envelope. 1974, c. 32, s. 18 (3), *part, amended*. Certificates to be kept in separate envelope

#### NOMINATIONS

**34.** Any person who is qualified to hold an office under the Act constituting the office may be nominated as a candidate for such office. 1972, c. 95, s. 32. Who may be nominated

**35.**—(1) Nomination day for a regular election shall be Monday, the twenty-first day before polling day. 1972, c. 95, s. 33 (1). Nomination day

(2) Persons may be nominated as candidates in an election between 9 o'clock in the forenoon and 5 o'clock in the afternoon of nomination day, but nothing in this section prevents a person from filing a nomination paper with the clerk during his normal office hours in the week immediately prior to nomination day. 1974, c. 32, s. 19 (2), *part, amended*. Period for nomination

(3) The clerk shall, at least seven days prior to nomination day, post in at least two conspicuous places in the municipality notice of the date and times for filing nominations and of the offices for which persons may be nominated as candidates in the election, and, where there is a newspaper having general circulation in the municipality, publish at least seven days prior to nomination day the notice in such newspaper. 1974, c. 32, s. 19 (2), *part, amended*. Notice of time for filing nominations

**36.**—(1) A person may be nominated as a candidate for an office by filing in the office of the clerk, on the days and during the hours specified in subsection 2 of section 35, a nomination paper in prescribed form which, How nominated

- (a) shall be signed by at least ten electors whose names are entered, or entitled to be entered under section 33, in the polling lists of electors entitled to vote in an election to such office;

(b) shall state the name and address of the person nominated in such manner as will identify him and the office for which he is nominated; and

(c) shall state the name and address of each elector signing the nomination paper and, where the office for which the person is nominated is a member of a school board, that such nominator is a public school elector or a separate school elector, as the fact is. 1974, c. 32, s. 20 (1), *amended*.

Consent and  
declaration  
to be filed

(2) No nomination is valid unless there is filed with the nomination paper a consent in writing to the nomination and a declaration of qualification in the prescribed form by the person nominated. 1972, c. 95, s. 34 (2).

Public  
school  
nominators

(3) A nomination paper nominating a person for an office the holder of which is required to be elected by public school electors shall be signed by public school electors only. 1972, c. 95, s. 34 (3); 1974, c. 32, s. 20 (2).

Separate  
school  
nominators

(4) A nomination paper nominating a person for an office the holder of which is required to be elected by separate school electors shall be signed by separate school electors only. 1972, c. 95, s. 34 (4); 1974, c. 32, s. 20 (3).

Separate  
nomination  
papers

(5) Each person to be nominated for election to an office shall be nominated by a separate nomination paper, but an elector may sign more than one nomination paper for the same person and the nomination papers of more than one person. 1972, c. 95, s. 34 (5), *amended*.

Clerk  
to keep  
nomination  
paper

(6) After a nomination paper is filed with the clerk it shall remain in the possession of the clerk.

Onus on  
person  
nominated

(7) The onus is on the person nominated for election to an office to file a *bona fide* nomination paper. 1972, c. 95, s. 34 (6, 7).

Endorsation  
by clerk

**37.—**(1) Where a nomination paper is filed in the office of a clerk, the clerk or his assistant returning officer shall endorse upon it the date and time of its filing. 1972, c. 95, s. 35 (1).

Certificate  
of clerk

(2) Where a nomination paper is filed in the office of a clerk prior to nomination day, the paper shall be examined



by the clerk and, if he is satisfied that the requisite number of the nominators whose signatures appear on the nomination paper are electors entitled to vote for the office, he shall so certify in writing. 1972, c. 95, s. 35 (2); 1974, c. 32, s. 21 (1).

(3) When the nomination papers have been certified by the clerk he shall cause the name and address of each candidate nominated and the office for which the candidate is nominated to be posted up in his office or other conspicuous place open to inspection by the public. 1972, c. 95, s. 35 (3), *amended*. Posting

(4) Where a nomination paper is filed in the office of a clerk on nomination day, Where  
filed on  
nomination  
day

(a) the clerk shall accept the nomination paper and cause the name of the person nominated to be posted up in accordance with subsection 3;

(b) if, on examination of the nomination paper prior to 4 o'clock in the afternoon on the day following nomination day, it appears to the clerk that the requisite number of nominators whose signatures appear on the nomination paper are not electors entitled to vote for the office, he shall reject the nomination and give notice of the rejection immediately by registered mail to the person nominated and all candidates for that office, but if he is satisfied that the nominators meet such requirements, he shall so certify in writing. 1972, c. 95, s. 35 (4); 1974, c. 32, s. 21 (2), *amended*.

(5) Where the number of candidates for an office who are nominated at the end of nomination day is not sufficient to fill the number of vacancies to which the candidates may be elected, on the Wednesday following nomination day the clerk may, between the hours of 9.00 o'clock in the forenoon and 5.00 o'clock in the afternoon, receive and certify additional nominations for the office in respect of which there was an insufficient number of candidates. *New*. Where  
number of  
candidates  
nominated  
insufficient

(6) Certification by the clerk in accordance with subsection 2 or 4 with respect to a nomination paper shall be conclusive evidence of the facts certified and shall not be open to challenge thereafter. 1972, c. 95, s. 35 (5), *amended*. Certification  
by clerk

(7) The clerk shall establish and maintain in his office a list setting out the name and residence of every candidate whose nomination has been certified under this section for the respective offices for which persons may be nominated in the List of  
candidates



order of certification and copies of this list shall be prominently displayed in one or more locations and the list shall be completed no later than 4 o'clock in the afternoon of the day following nomination day provided that where the clerk has received additional nominations under subsection 5, a list showing the names of the additional candidates nominated shall be completed and posted by the clerk no later than 4.00 o'clock in the afternoon of the Thursday following nomination day. 1972, c. 95, s. 35 (6); 1974, c. 32, s. 21 (3), *amended*.

#### DEATH OF A CANDIDATE

Election on  
death of  
candidate

**38.** If as a result of a candidate nominated for election to an office dying before the close of the poll for the election,

- (a) a person would be elected by acclamation to such office, the election to such office is void and a new election shall be held to fill such office; or
- (b) no person would be elected by acclamation to such office, the name of the deceased candidate shall be omitted from the ballots or if the ballots have already been printed, the clerk shall cause notice of the death of the candidate to be posted up in a conspicuous place in every polling place and the election shall be proceeded with as if the deceased candidate had not been nominated. 1972, c. 95, s. 36.

#### WITHDRAWAL OF NOMINATIONS

Withdrawal  
of nomination

**39.**—(1) A person nominated as a candidate in an election may withdraw his nomination by instrument in writing, verified by his affidavit and delivered to the clerk before 5 o'clock in the afternoon of the day following nomination day.

Where  
nominated  
in more  
than one  
office

(2) Where a person has been nominated for more than one office, he may withdraw in respect of one or more offices for which he is nominated by filing his withdrawal in writing with the clerk in his office before 5 o'clock in the afternoon of the day following nomination day and in default he shall be deemed to be nominated for the office for which he was first nominated and to have withdrawn his nomination for any other office. 1972, c. 95, s. 37.

#### ACCLAMATIONS

Acclamation

**40.**—(1) If no more candidates are nominated for any office than the number to be elected, the clerk shall forthwith after 5 o'clock on the afternoon of the day following nomination day declare that candidate or those candidates duly elected.

(2) If more candidates are nominated for an office than the <sup>Idem</sup> number to be elected but one or more candidates withdraws his nomination so that the number remaining is no more than the number required to be elected, the clerk shall forthwith after 5 o'clock on the afternoon of the day following nomination day declare the remaining candidate or candidates to be duly elected.

(3) If the number of candidates declared to be elected to an <sup>Vacancy</sup> office under subsection 1 or 2 is less than the number to be elected to such office so that there is a vacancy, a new election shall be held to fill the vacancy.

(4) Where in any election the total number of members of the council of a municipality or of a local board, as the case may be, declared elected under this section and those elected as a result of the poll in the election is less than a quorum of the council or of the local board, the council or local board in office for the preceding year shall continue in office until a new election under subsection 3 is held and the number of members of the council or local board equals or exceeds the quorum. <sup>Where quorum not elected</sup>  
1972, c. 95, s. 38.

#### NOTICE OF POLL

**41.**—(1) Where more candidates are nominated for election <sup>Poll required</sup> to an office than the number required to fill that office, the clerk shall hold a poll to elect the holder of that office. 1972, c. 95, s. 39 (1).

(2) Notice of the time for the holding of the poll in an <sup>Notice of poll</sup> election, including the advance poll, and notice of the last day for making application to the clerk for a certificate to vote by proxy, shall be given by the clerk forthwith after it has been determined that a poll is required, by posting the notice in at least two conspicuous places in the municipality, and, where there is a newspaper having general circulation in the municipality, by publishing the notice in such newspaper. 1972, c. 95, s. 39 (2); 1974, c. 32, s. 22, *amended*.

#### VOTING BY BALLOT

**42.**—(1) Where a poll is held in an election, the votes shall <sup>Voting by ballot</sup> be given by ballot. 1972, c. 95, s. 40 (1); 1974, c. 32, s. 23 (1).

(2) In place of using ballot papers under this Act, the council of a municipality may, by by-law passed on or before the 1st day of April in an election year, authorize the use at elections of voting machines, voting recorders or other voting <sup>Voting machines, etc.</sup>



devices, and a copy of any such by-law shall be forwarded by the clerk of the municipality to the Minister forthwith after it is passed. 1974, c. 32, s. 23 (2), *part, amended*.

Repealing  
by-law

(3) A by-law passed under subsection 2 or a predecessor thereof shall remain in force until repealed by the council of the municipality, but no such repealing by-law shall take effect for the purposes of the election next following its passage unless the repealing by-law is passed on or before the 1st day of April in the year in which the election is held. *New.*

Minister's  
order

(4) Where a municipality authorizes the use of voting machines, voting recorders or other voting devices, the Minister shall, by order, provide for procedures which may be necessary to conduct the election by the use of such machines, recorders or devices and the municipality shall comply with the provisions of the order. 1974, c. 32, s. 23 (2), *part, amended*.

#### PREPARATION AND FORM OF BALLOT

Ballots

**43.**—(1) A clerk who is required to hold a poll under section 41 shall prepare and cause to be printed a sufficient number of ballots in the prescribed form for use in the election.

Nomination  
of candidate  
must be  
certified

(2) The name of a person shall not be included in a ballot as a candidate for office unless his nomination as a candidate for such office has been certified by the clerk under section 37. 1972, c. 95, s. 41 (1, 2).

Order of  
names

(3) Subject to subsection 5, the names of the candidates shall be shown on a ballot in order of their surnames alphabetically arranged, with given names preceding the surnames, and with the surnames in bold type. 1972, c. 95, s. 41 (3), *amended*.

Where  
addresses  
to be shown

(4) Where there are two or more candidates for election to an office whose given and surnames are identical or so nearly identical as to create the possibility of confusion, the address of all candidates for election to such office shall be shown on the face of the ballot for such office immediately under their names and in sufficient detail as to identify each candidate. 1972, c. 95, s. 41 (4), *amended*.

Nicknames  
and titles

(5) Except as provided in subsection 4, no identification such as a title, honour, decoration or degree shall be included with any candidate's name on a ballot to be used in an election, but a name commonly called a nickname or any other name by which a candidate is commonly known may be used on the ballot as the name or part of the name of the candidate.

(6) There shall appear on the ballot to the right of each candidate's name a circle or a circular space suitable for the marking of the ballot. 1972, c. 95, s. 41 (5, 6).

Space for  
indicating  
vote

(7) All ballots for election to the same office shall be of the same description and as nearly alike as possible, and the names, and the addresses if given, of the candidates, the circle or circular space, the instructions referred to in subsection 8, and any lines on the ballot shall be in one colour and the remainder of the face of the ballot shall be another colour, but different colours may be used for ballots to be used for election to different offices. 1974, c. 32, s. 25, *part, amended*.

Ballots  
for same  
office to  
be alike

(8) A ballot shall contain instructions as to the number of candidates for which an elector may vote and the name of the office for which the election is being held. 1974, c. 32, s. 25, *part, amended*.

Number of  
candidates  
and name  
of office

(9) The ballot papers for voting to obtain the assent or the opinion of electors on any by-law or question shall be in the prescribed form. 1972, c. 95, s. 41 (9).

Ballots re  
questions

**44.**—(1) For an election in a municipality in which the members of council are elected by wards, there shall be prepared one set of ballots for all the polling subdivisions containing the names of the candidates for the office of mayor, another set for all the polling subdivisions containing the names of the candidates for the office of reeve, or reeve and deputy reeve, and another set for each ward containing the names of the candidates for the office of alderman or councillor for the ward.

Wards in  
municipality

(2) For an election in a city or town in which the members of council are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballots containing the names of the candidates for the offices of mayor, or mayor and reeve, or mayor, reeve and deputy reeve, and another set containing the names of the candidates for the office of alderman or councillor.

General  
vote in  
city or town

(3) For an election in a township that constitutes a borough within The Municipality of Metropolitan Toronto, one set of ballots shall be prepared for all the polling subdivisions containing the names of the candidates for the office of mayor, another set of ballots for all the polling subdivisions containing the names of the candidates for the office of controller and another set for each ward containing the names of the candidates for the office of alderman.

Borough in  
Metro.  
Toronto



Village or  
township

(4) For an election in a village or township there shall be prepared one set of ballots containing the names of the candidates for the office of reeve or of reeve and deputy reeve, and for the office of councillor.

By-law  
providing  
for separate  
sets

(5) The council of a town may by by-law provide that the ballots for an election to the offices of mayor, reeve and deputy reeve shall be prepared in separate sets and, the council of a village or township may, by by-law provide that the ballots for an election to the offices of reeve, deputy reeve and councillor shall be in separate sets. 1972, c. 95, s. 42 (1-5).

When to be  
passed

(6) A by-law for the purposes mentioned in subsection 5 shall be passed not later in the election year than the 1st day of October and remains in force until repealed, and while in force the prescribed ballots shall be prepared accordingly. 1972, c. 95, s. 42 (6), *amended*.

Separate sets  
for  
controller,  
local board,  
by-laws, etc.

(7) There shall also be separate sets of ballots,

(a) containing the names of the candidates for the office of,

(i) controller,

(ii) member of a local board,

(iii) trustee of a police village,

(iv) member of the council of a regional municipality, or

(v) member of the council of both an area municipality and a regional municipality;

(b) for obtaining the assent of the electors on any by-law or the opinion of the electors on any question required or authorized to be submitted to them at an election. 1972, c. 95, s. 42 (7); 1974, c. 32, s. 26.

More than  
one by-law,  
etc.

(8) Where more than one by-law or question is to be submitted to the electors at one election, all of such by-laws or questions may be placed on one ballot paper. 1972, c. 95, s. 42 (8).

Composite  
ballots

**45.—(1)** In place of using separate ballots under this Act, the council of a municipality may, by by-law passed prior to the first day of October in an election year, authorize the use at a municipal election of composite ballots in such form subject to subsections 1 to 8 of section 43, as the by-law prescribes. 1972, c. 95, s. 43 (1); 1974, c. 32, s. 27, *amended*.

(2) A composite ballot may contain,

Contents

- (a) the names of candidates for the offices of member of council, member of a school board, member of a public utility commission or member of any other board, commission or body the members of which are required to be elected by the electors of the municipality or for any one or more of such offices; and
- (b) any by-law or question authorized or required by law to be submitted to the electors for their assent or opinion.

(3) No elector shall be given a composite ballot containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

Not to be given to elector not entitled to vote for office on ballot

(4) A by-law passed under this section remains in force from year to year until repealed. 1972, c. 95, s. 43 (2-4).

By-law in force until repealed

#### POLLING PLACES

**46.**—(1) Subject to section 47, the clerk shall provide for each election at least one polling place for each polling subdivision in a place that is most central or most convenient for the electors and is furnished with light and heat and such other accommodation and furniture as may be required, but the polling place may be provided outside the limits of the polling subdivision.

Polling place

(2) Every polling place for an election in a municipality shall be situate in the municipality, except that where a polling subdivision in a township adjoins an urban municipality, the polling place for the polling subdivision may be within the limits of the urban municipality. 1972, c. 95, s. 44 (1, 2).

Idem

(3) Every polling place shall be furnished with compartments in which electors may mark their ballots without other persons being able to see how they are marked and it is the duty of the clerk and the deputy returning officer respectively to ensure that a sufficient number of compartments is provided at each polling place. 1972, c. 95, s. 44 (3), *amended*.

Compartments

(4) The clerk may unite two or more adjoining polling subdivisions and provide one polling place for the united subdivisions. 1972, c. 95, s. 44 (4).

United subdivisions

(5) The clerk may provide such additional polling places in any polling subdivisions as are required having regard to

Additional places

the extent of the subdivision, the remoteness of any number of its electors from the polling place and number of electors that may conveniently vote at one polling place. 1972, c. 95, s. 44 (5), *amended*.

Designation  
of places

(6) Where there are two or more polling places in a polling subdivision, each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets at which the electors reside or that designate the properties in respect of which the electors are qualified to vote therein, or by the initial letters of the surnames of the electors who are qualified to vote therein, that is to say, A to M and N to Z, or as the case may be, and an elector is entitled to vote at the appropriate polling place designated accordingly.

Notice of  
location of  
polling  
place

(7) In municipalities having more than 5,000 electors, the clerk shall mail or cause to be delivered to each dwelling unit in the municipality a notice advising the elector or electors therein of the location of the polling place in which that elector or those electors is or are to vote. 1972, c. 95, s. 44 (6, 7).

Polling  
places in  
institutions

**47.—**(1) Where in a municipality there is situate a hospital or other institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or the armed forces of any member of the Commonwealth, or who are blind or deaf, a Workmen's Compensation hospital or a home for the aged, a polling place shall be provided in such institution or upon the premises, and may be provided in a nursing home or other institution of twenty beds or more in which chronically ill or infirm persons reside, and for the purpose of polling, the institution shall be deemed to be a polling place, and every person resident in the institution who is entered in the polling list is entitled to vote at such polling place only. 1974, c. 32, s. 28 (1).

Attendance  
upon patients  
to take  
vote

(2) Where a patient of such a hospital or other institution is bed-ridden or is unable to walk, it is lawful for the deputy returning officer and poll clerk with the candidates or their scrutineers to attend upon such person for the purpose of receiving his ballot, but no candidate or scrutineer shall be present where the ballot of any such voter is marked under section 63. 1972, c. 95, s. 45 (2).

#### SUPPLIES AND EQUIPMENT FOR POLLING PLACES

Supplies for  
polling place

**48.—**(1) The clerk shall, before polling day, cause to be delivered to every deputy returning officer in his municipality,



- (a) a ballot box for his polling place;
- (b) a sufficient number of ballots to supply the electors in the polling list of his polling place;
- (c) a sufficient number of the prescribed directions for the guidance of electors for the purposes of the polling place;
- (d) two copies of the polling list for the polling place;
- (e) all materials necessary for electors to mark their ballots; and
- (f) such other materials as are prescribed. 1972, c. 95, s. 46 (1), *amended*.

(2) A ballot box shall be made of durable material, provided with lock and key, and so constructed that the ballots can be deposited therein and cannot be withdrawn without unlocking the box. Ballot box

(3) When delivering the ballots for a polling place to a deputy returning officer the clerk shall certify the number of ballots so delivered and upon receiving them the deputy returning officer shall make a count of the ballots and forward the prescribed receipt therefor to the clerk, and shall keep the certificate for return to the clerk with the other documents required to be returned to him under section 78. Clerk to certify number of ballots

(4) Every deputy returning officer before opening the poll, or immediately after he has received the printed directions from the clerk if they were not received before opening the poll, shall cause them to be placarded outside the polling place and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. 1972, c. 95, s. 46 (2-4). Directions to be placarded

#### WHERE AND HOW OFTEN ELECTORS MAY VOTE

**49.**—(1) An elector whose name appears in the polling list for a polling subdivision or who presents a certificate to vote there under section 33, 50 or 56, is entitled to vote in an election in such subdivision in accordance with the following rules: Number of votes that may be given by an elector

1. He is entitled to vote once only for one candidate for mayor, reeve or deputy reeve.
2. He is entitled to vote for as many candidates for controller as there are controllers to be elected but once only for each candidate.



3. Where the election of aldermen, councillors, trustees or members of local boards is by general vote, he is entitled to vote for as many candidates for such offices as there are candidates to be elected but once only for each candidate.

4. Where the aldermen, councillors, trustees or members of local boards are elected by wards, he is entitled to vote,

i. if resident in the municipality, in the polling subdivision in which he resides; or

ii. if not resident in the municipality, in the polling subdivision in which his name appears on the polling list,

for as many candidates for such offices as there are candidates to be elected for the ward but once only for each candidate.

5. Where the election is to the office of member of a school board to be elected by public school electors in a municipality or a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a public school elector is entitled to as many votes as there are members to be elected by the public school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.

6. Where the election is to the office of member of a school board to be elected by separate school electors in a municipality or in a part thereof, or in a combination of municipalities, in which the polling subdivision is located, a separate school elector is entitled to as many votes as there are members to be elected by the separate school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.

7. An elector who is entitled to vote in respect of any by-law or question authorized or required by law to be submitted for the assent or opinion of the electors is entitled to vote once only with respect to such by-law or question. 1972, c. 95, s. 47.

Employees  
to have  
three  
consecutive  
hours for  
voting

(2) Where, by reason of the hours of his employment, an employee who is a qualified elector will not have three consecutive hours to vote while the polls are open on a

polling day at an election, his employer shall, at the convenience of the employer, allow the employee such time for voting as is necessary to provide the three consecutive hours.

(3) No employer shall make any deduction from the pay of any such employee or exact from him any penalty by reason of absence from his work during the time allowed by the employer for voting. *New.*

Deduction from pay prohibited

**50.**—(1) Subject to subsection 2, at the request of a person whose name is entered on the polling list for a polling place in a municipality who has been appointed a deputy returning officer, poll clerk, election assistant or constable at another polling place, the clerk of the municipality shall give him a certificate that he is entitled to vote at the polling place at which he is stationed during the polling day.

Voting of D.R.O. and poll clerk, etc., where employed

(2) No certificate shall be issued under this section entitling an elector in a municipality that is divided into wards to vote at a polling subdivision in a ward different from the ward in which the polling place at which the elector is otherwise entitled to vote is situate.

Where municipality divided into wards

(3) The clerk shall not give a certificate under this section until he has ascertained by reference to the polling list or to a certificate under section 33 that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling place at which the applicant is by the polling list or certificate under section 33 to be entitled to vote, and the person to whom the certificate has been given is not thereafter entitled to vote at such polling place.

When certificate may be given

(4) The certificate shall designate the polling place at which the person is to be permitted to vote.

Certificate

(5) The clerk shall keep a list in which he shall enter before he delivers a certificate under this section,

List of certificates

- (a) the name and residence of the person to whom he gives the certificate;
- (b) the polling place at which the person is authorized to vote under the certificate;
- (c) the polling place at which the person appears by the polling list to be entitled to vote;

- (d) whether the certificate is granted to such person as deputy returning officer, poll clerk, election assistant or constable; and
- (e) if a certificate is refused, the name of the person applying for the certificate with the grounds of refusal,

and the list shall be open to inspection by any candidate scrutineer or elector. 1972, c. 95, s. 48.

Certificate  
entitles  
person to  
vote

**51.**—(1) A person who produces a certificate given to him under section 50 is entitled to vote at the polling place designated therein, but the certificate does not entitle him to vote there unless he has been actually engaged there as a deputy returning officer, poll clerk, election assistant or constable during polling day. 1972, c. 95, s. 49 (1).

Entry on  
polling  
list

(2) The deputy returning officer shall enter or cause to be entered on the polling list maintained by the poll clerk opposite the name and residence of the person voting under the authority of a certificate, the words "Voted under Certificate". 1972, c. 95, s. 49 (2), *amended*.

Certificate  
to be given  
to D.R.O.

(3) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot.

To be kept  
in envelope

(4) The deputy returning officer shall enclose all certificates to which this section applies in one envelope. 1972, c. 95, s. 49 (3, 4).

#### PROCEDURE AT POLL

Hours poll  
to be  
open

**52.** Every polling place shall be open for the purpose of taking the poll at every election from 11 o'clock in the forenoon until 8 o'clock in the afternoon of polling day. 1972, c. 95, s. 50.

When  
D.R.O. to  
attend poll

**53.**—(1) A deputy returning officer shall attend at the polling place for which he was appointed at least fifteen minutes before the hour fixed for opening the poll.

Inspection of  
ballots before  
opening of  
poll

(2) During the period of fifteen minutes before the opening of the poll, the scrutineers who are entitled to be present in a polling place during polling hours are entitled to inspect the ballots and all other papers, forms and documents relating to the poll. 1972, c. 95, s. 51.

Inspection,  
sealing of  
ballot box

**54.** A deputy returning officer shall, immediately before opening the poll at his polling place, show the ballot box to



such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent it being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 71. 1972, c. 95, s. 52.

**55.**—(1) Where a person enters the polling place and requests a ballot paper, the deputy returning officer shall proceed as follows:

Duties of  
D.R.O. on  
tender of  
vote

1. He shall ascertain that the name of such person or a name apparently intended for it is entered in the polling list for the polling subdivision or that such person is entitled to vote under a certificate issued by the clerk pursuant to section 33 or 50 and the poll clerk shall, on a separate polling list, delete the name of the said person on such polling list.
2. The poll clerk shall indicate on his polling list opposite the person's name the numerical order in which the person was given his ballot paper.
3. If the deputy returning officer is satisfied that such person is the person designated in the polling list or in a certificate mentioned in paragraph 1 and is otherwise entitled to vote and if no candidate or scrutineer objects to voting by such person, the deputy returning officer shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it and shall deliver the ballot paper to such person.
4. If voting by such person is objected to by any candidate or scrutineer, the deputy returning officer shall enter the objection or cause it to be entered on the polling list maintained by the poll clerk, by writing opposite the name of such person the words "*Objected to*" and the deputy returning officer shall require such person to take the prescribed oath, which oath shall indicate the name of the candidate by or on whose behalf the objection was made.
5. If the deputy returning officer is not satisfied that such person is the person designated in the polling list or in a certificate mentioned in paragraph 1 and is otherwise entitled to vote, although no



candidate or scrutineer has objected, he may require such person to take the prescribed oath.

6. If such a person having been required to take the oath refuses to do so, the deputy returning officer shall enter or cause it to be entered opposite the name of such person on the polling list maintained by the poll clerk the words "*Refused to be sworn*" or "*Refused to affirm*" according to the fact and a ballot paper shall not be delivered to such person.
7. If such person takes the oath, the deputy returning officer shall enter or cause to be entered opposite such person's name on the polling list maintained by the clerk the word "*Sworn*" or "*Affirmed*" according to the fact, shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it, and shall deliver the ballot paper to such person.
8. The deputy returning officer may, and upon request shall, either personally or through the poll clerk, explain to the elector as concisely as possible the mode of voting. 1972, c. 95, s. 53 (1), *amended*.

Disqualifica-  
tion of  
prisoners,  
mentally ill,  
etc.

(2) A person who on polling day is a prisoner in a penal or reform institution, or a patient in a mental hospital, or who has been transferred from a mental hospital to a home for special care as mentally incompetent is disqualified from voting at any election and no ballot shall be furnished to such a person.

Elector in  
polling  
place at  
closing

(3) Every elector qualified to vote at a polling place who is inside the polling place at the time fixed for closing the poll is entitled to vote. 1972, c. 95, s. 53 (2, 3).

Entry of  
name on  
polling list  
by D.R.O.

**56.**—(1) If a person representing himself to be an elector applies to a deputy returning officer at a polling place for a ballot and his name does not appear on the polling list or in a certificate issued under section 33 or 50 as entitled to vote at the polling place, he is entitled to have his name entered on such polling list and to receive a ballot and to vote if he takes a declaration in the prescribed form and otherwise establishes his identity to the satisfaction of the deputy returning officer.

Idem

(2) The deputy returning officer shall enter or cause to be entered on the polling list and on the polling list maintained

by the poll clerk the name of the elector. 1972, c. 95, s. 54, *amended*.

(3) The deputy returning officer shall furnish a copy of each such declaration to the clerk who shall, in turn, furnish it to the assessment commissioner before the first Monday in December in an election year. 1974, c. 32, s. 29, *amended*.

Copy to  
clerk and  
assessment  
com-  
missioner

**57.** Where an elector entitled to vote at a polling place applies for a ballot paper and it appears that another person has voted as such elector or that an entry has been made in the polling list in error that such elector has polled his vote, if such person takes an oath in the prescribed form and otherwise establishes his identity to the satisfaction of the deputy returning officer he is entitled to receive a ballot paper. 1972, c. 95, s. 55 (1).

Where it  
appears  
person voted  
in place  
of elector,  
etc.

**58.** No inquiry shall be made of an elector who is required to take the oath under section 55 or 57 except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated in the polling list. 1972, c. 95, s. 56 (2); 1974, c. 32, s. 30 (2).

Inquiry

**59.** Upon delivery to him of a ballot paper by a deputy returning officer, the person receiving it shall,

Procedure  
on receipt  
of ballot

- (a) forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper with a cross or other mark with a pen or pencil within the circle or circular space to the right of the name of a candidate for whom he intends to vote;
- (b) then fold the ballot paper so as to conceal the names of the candidates and the marks upon the face of it and so as to expose the initials of the deputy returning officer;
- (c) then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and
- (d) then deliver the ballot paper so folded to the deputy returning officer. 1972, c. 95, s. 57.

**60.—(1)** Upon delivery of a ballot paper to him by an elector, the deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates or the marks made by the elector, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the

Duty of  
D.R.O. on  
receipt of  
ballot



presence of all persons entitled to be present and then present in the polling place, and the elector shall forthwith leave the polling place.

Person not  
deemed  
to have  
voted

(2) A person whose ballot has been placed in the ballot box by the deputy returning officer shall be deemed to have voted. 1972, c. 95, s. 58 (1, 2).

Person not  
to take  
ballot  
from polling  
place

**61.**—(1) A person who has received a ballot from a deputy returning officer shall not take it out of the polling place, and a person who receives a ballot and leaves the polling place without returning it to the deputy returning officer, or returns his ballot declining to vote, forfeits his right to vote, and the deputy returning officer, shall make an entry on the polling list maintained by the poll clerk "*Forfeited Vote*" opposite the person's name, and in the case where a person returns his ballot declining to vote, the deputy returning officer shall immediately write the word "*Declined*" upon the ballot and preserve it to be returned to the clerk. 1972, c. 95, s. 59 (1), *amended*.

Ballot  
accidentally  
spoiled

(2) An elector who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer, is entitled to obtain another ballot, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first-mentioned ballot and preserve it to be returned to the clerk. 1972, c. 95, s. 59 (2).

No other  
person in  
compartment  
while elector  
marking  
ballot

**62.** Subject to section 63, while an elector is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see how the elector marks his ballot paper. 1972, c. 95, s. 60.

Elector  
blind or  
handicapped

**63.**—(1) On the application of any elector who is unable to read or is blind or is handicapped by other physical cause from voting in accordance with the other provisions of this Act, the deputy returning officer shall require the elector making the application to take an oath of his inability to vote without assistance, and shall thereafter assist the elector by marking his ballot in the manner directed by the elector in the presence of the poll clerk and of no other person and place the ballot in the ballot box. 1972, c. 95, s. 61 (1), *amended*.

Handicapped  
elector's  
ballot  
marked by  
friend

(2) The deputy returning officer shall either deal with an elector mentioned in subsection 1 in the manner provided therein or, at the request of any such elector who has taken the prescribed oath and is accompanied by a friend, shall

permit the friend to accompany the elector into the voting compartment and mark the elector's ballot for him.

(3) Any friend who is permitted to mark the ballot of an elector under subsection 2 shall first be required to take the prescribed oath that he will keep secret the manner in which the elector voted. Oath of friend

(4) No person shall be allowed to act as the friend of more than one elector at any polling place other than a polling place established under section 47. 1972, c. 95, s. 61 (2-4). May act as friend only once

**64.** Where the deputy returning officer does not understand the language of the elector, an interpreter provided by the elector may be sworn in the prescribed form to translate the necessary oaths as well as any lawful questions necessarily put to the elector and his answers, but in the event of inability to secure an interpreter, the elector shall be refused a ballot. 1972, c. 95, s. 62. Elector who cannot understand English

**65.**—(1) The returning officer, the assistant returning officer, the deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate or, in his absence, his scrutineer, any scrutineer appointed by the council in relation to any by-law or question, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes. 1972, c. 95, s. 63; 1974, c. 32, s. 31. Who may remain in polling place

(2) No campaign material or literature of any nature whatsoever of any candidate in the election shall be displayed within the polling place. *New.* No campaign literature in polling place

#### ADVANCE POLLS

**66.**—(1) The clerk shall hold an advance poll in accordance with this section on the Saturday nine days before polling day for the purpose of receiving votes of electors who expect to be unable to vote on polling day in the polling subdivisions for which their names appear on the polling lists or who are entitled to vote either under a certificate issued by the clerk under section 33 or who become entitled to vote under section 56. 1974, c. 32, s. 32 (1), *part.* Advance poll

(2) The council of a municipality may by by-law passed before nomination day provide for the holding by the clerk Additional advance poll



of additional advance polls for the same purposes as provided in subsection 1. 1974, c. 32, s. 32 (1), *part*.

When poll  
to be  
open

(3) The advance poll shall be open from 9 o'clock in the forenoon until 8 o'clock in the afternoon on each day it is held and polling shall be held so far as possible in the same manner as polling at a regular election. 1972, c. 95, s. 64 (2); 1974, c. 32, s. 32 (2), *amended*.

Polling  
places

(4) The clerk shall provide as many polling places for an advance poll as he considers necessary and shall appoint a deputy returning officer and poll clerk for each such polling place. 1972, c. 95, s. 64 (3).

List of  
persons  
voting

(5) Forthwith after the close of the advance poll on each day it is held, the deputy returning officer shall make up and deliver to the clerk a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the elector is entered in the polling list and the clerk shall, at the request of any candidate, furnish him with a copy of such list.

Duties of  
clerk on  
receiving  
list

(6) Upon receiving the list mentioned in subsection 5, the clerk shall,

- (a) make an entry in the polling list to be supplied to each deputy returning officer on polling day opposite the name of each elector whose name appears in such list and whose vote has been received at an advance poll, showing that such elector has voted; or
- (b) make a certificate in the prescribed form for each polling subdivision, showing the name and address of each elector listed in the polling list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate before the opening of the poll on polling day to the deputy returning officer of the polling subdivision, and the deputy returning officer shall before opening the poll make an entry in the polling list supplied to him, opposite the name of each elector whose name appears on the certificate, showing that such elector has voted. 1972, c. 95, s. 64 (5, 6).

Sealing  
of box

(7) Forthwith after the close of the advance poll on each day it is held the deputy returning officer and any candidate or scrutineer present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any

ballots be deposited in it without breaking the seals and the deputy returning officer shall forthwith deliver it, along with all other election documents used at the poll, personally to the clerk for safe keeping. 1972, c. 95, s. 64 (7), *amended*.

(8) On the regular polling day for an election, after the close of polling, the deputy returning officer shall, in the presence of such candidates for office at the election and their scrutineers as are present at the hour fixed for the closing of the poll, open the ballot boxes for the advance poll, count the votes and perform all other duties required of deputy returning officers by this Act. 1972, c. 95, s. 64 (8). Opening of  
ballot boxes  
for advance  
poll

#### PROXY VOTING

**67.**—(1) Any person whose name is entered in the polling list for a polling subdivision or who has obtained a certificate under section 33 entitling him to vote and who is, Who may  
vote by  
proxy

(a) a person other than one described in section 47 and who is certified by a legally qualified medical practitioner, by certificate filed with the clerk, to be physically incapable of attending a polling place;

(b) a person absent from his regular residence by reason of attending an educational institution and who is entered in the list for the polling subdivision in which he normally resides and who expects by reason of such absence to be unable to vote at the advance poll or on polling day; or

(c) a person who expects to be absent from his polling subdivision during the election period including the advance poll and polling day by reason of his being engaged for hire or reward in the business of transportation by railway, air, water or motor vehicle,

may vote by proxy in that polling subdivision. 1972, c. 95, s. 65 (1); 1974, c. 32, s. 33 (1).

(2) Any person who is entitled to vote by proxy pursuant to subsection 1 may appoint in writing in the prescribed form as his voting proxy any other person who is eligible as an elector in the municipality. 1972, c. 95, s. 65 (2), *amended*. Who may be  
proxy

(3) A voting proxy may not act as a voting proxy for more than one person voting by proxy except where the May be  
proxy once  
only

person voting by proxy is the parent, grandparent, child, grandchild, brother, sister, husband or wife of the voting proxy, in which case a voting proxy may act for more than one such person voting by proxy. 1972, c. 95, s. 65 (3); 1974, c. 32, s. 33 (2).

Term of  
appointment

(4) An appointment of a person as a voting proxy is not valid unless it is made after nomination day and does not remain in force after polling day. 1972, c. 95, s. 65 (4).

Application  
for certificate  
to vote by  
proxy

(5) A person who has been appointed a voting proxy may apply to the clerk not later than 5 o'clock in the afternoon of polling day to receive a certificate to vote by proxy for the polling subdivision in which the person appointing the voting proxy is entitled to vote. 1972, c. 95, s. 65 (5), *amended*.

When  
certificate  
to be given

(6) The clerk may take evidence on oath as to the right of the person appointing the voting proxy to vote in the polling subdivision upon the list for which his name is entered and as to the qualification of the voting proxy, and, if he finds that the person appointing the voting proxy is duly qualified and that the voting proxy is authorized to act for the person appointing him, he shall give a certificate in prescribed form across the face of the appointment of the voting proxy to that effect. 1972, c. 95, s. 65 (6); 1974, c. 32, s. 33 (3), *amended*.

Not more  
than one  
proxy

(7) Not more than one voting proxy may be appointed on behalf of any person at any election.

Oath on  
voting

(8) A ballot shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the clerk thereon as provided in subsection 6 and takes the prescribed oath. 1972, c. 95, s. 65 (7, 8).

Record of  
voting proxy

(9) Where a voting proxy has voted, the deputy returning officer shall file the appointment of the voting proxy and the certificate of his appointment given by the clerk with the election papers and return them to the clerk in the envelope provided for that purpose. 1972, c. 95, s. 65 (9), *amended*.

Proxy may  
vote in  
own right

(10) A person who has been appointed as a voting proxy is entitled to vote in his own right in the municipality notwithstanding that he has voted as a voting proxy. 1972, c. 95, s. 65 (10).



## KEEPING OF PEACE: EMERGENCY SITUATIONS

**68.** A clerk or a deputy returning officer may require the assistance of constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he considers necessary. 1972, c. 95, s. 66. Assistance of constables

**69.**—(1) If any circumstances arise in the municipality, that, in the opinion of the clerk are of such a nature as to prevent or delay the opening of any polling place or cause the discontinuance of polling at any polling place, the clerk may declare an emergency situation to be in effect and such emergency situation shall continue until the clerk otherwise declares. Declaration of emergency by clerk

(2) Where an emergency situation is declared under subsection 1, the clerk shall make such arrangements as he considers advisable for the conduct of the poll, the safe-keeping of the ballot boxes and all election documents and the counting of the votes. Arrangements by clerk

(3) The arrangements made by the clerk under subsection 2, in good faith, shall not be open to question, or be quashed, set aside or declared invalid on account of their unreasonableness or supposed unreasonableness. *New.* Not open to question

## COUNTING THE VOTES

**70.** Immediately after the close of the poll, the deputy returning officer at each polling place shall, Duties of D.R.O. after close of poll

- (a) place all the cancelled, declined and unused ballots in separate sealed envelopes;
- (b) count the number of electors whose names appear on the polling list maintained by the poll clerk to have voted and make an entry at the end thereof:—  
“The number of electors who voted at this election in this polling place is (stating the number)” and sign his name thereto. 1972, c. 95, s. 68, *amended*.

**71.**—(1) After compliance with section 70, the deputy returning officer shall, in the presence and in full view of the Counting of votes



persons entitled to be present, open the ballot box for the polling place and proceed to count the numbers of votes for each candidate, giving full opportunity to those present to examine each ballot.

Rejection of  
ballots

(2) In counting the votes, the deputy returning officer shall reject all ballots,

- (a) that have not been supplied by him;
- (b) that contain the names of candidates for one office only and in which votes have been cast for more candidates than are to be elected to the office;
- (c) that are separate ballots submitting a by-law for the assent or a question for the opinion of the electors, and votes are cast for both the affirmative and the negative on the by-law or question; or
- (d) upon which there is any writing or mark by which the elector can be identified, or that has been so torn, defaced or otherwise dealt with by the elector that he can thereby be identified,

but no word, letter, or mark written or made or omitted to be written or made by the deputy returning officer on a ballot voids it or warrants its rejection.

Idem

(3) Where a ballot contains the names of candidates for more than one office and votes are cast on such ballot for more candidates for any office than are to be elected to such office, such votes are void and shall be rejected, but unless such ballot is rejected under subsection 2, the votes for any other office in respect of which the elector has not voted for more candidates than are to be elected shall be counted.

Composite  
ballots

(4) Where in a composite ballot,

- (a) votes are cast for more candidates for any office than are to be elected to such office; or
- (b) votes are cast for both the affirmative and negative on any by-law or question,

the votes for such candidates or with regard to the by-law or question, as the case may be, are void and shall be rejected but, unless such ballot is rejected under subsection 2, the

votes for any other offices, by-law or question in respect of which votes are correctly indicated shall be counted.

(5) Where part of the votes cast in any ballot are rejected under subsection 3 or 4, the deputy returning officer shall note such fact on the back of the ballot and initial the note, and where all the votes on the ballot are rejected under either or both of such subsections, the ballot shall be treated as a rejected ballot. 1972, c. 95, s. 69.

Where part  
of votes  
rejected

**72.**—(1) A candidate or a scrutineer at a polling place may object to a ballot or to the counting of votes in any ballot in whole or in part on the ground that the ballot or such votes should be rejected under section 71 and the deputy returning officer at the polling place shall decide the objection, subject to review on a recount or in a proceeding questioning the validity of the election.

Objection  
by candidate,  
etc.

(2) The deputy returning officer shall list all objections under subsection 1 to the counting of ballots or of votes therein and number such objections and shall place the number of an objection on the back of the ballot objected to and initial the number. 1972, c. 95, s. 70.

Objections to  
be listed

**73.** The deputy returning officer shall count all votes cast at his polling place that are not rejected and shall keep an account of the number of votes so cast and allowed for each candidate and with respect to each by-law or question. 1972, c. 95, s. 71.

How votes  
counted

**74.** Following count of the votes at his polling place, a deputy returning officer shall place in separate sealed packets,

Ballots to  
be placed  
in separate  
packets

- (a) all used ballots that have not been objected to and have been counted in whole or in part;
- (b) all used ballots that have been objected to but which have been counted in whole or in part;
- (c) all rejected ballots;
- (d) all ballots used but unmarked. 1972, c. 95, s. 72.

**75.** The deputy returning officer shall endorse every packet of ballots made up by him under clause *a* of section 70 or section 74 so as to indicate its contents and any candidate or scrutineer present may write his name on the packet. 1972, c. 95, s. 73.

D.R.O. to  
endorse  
packets

Oath of  
poll clerk

**76.** The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe the prescribed oath. 1972, c. 95, s. 74.

#### STATEMENT AND MATERIALS RETURNED TO CLERK

Statement  
of D.R.O.

**77.**—(1) The deputy returning officer shall make out a statement in duplicate of the number of,

- (a) ballots received from the clerk;
- (b) votes given for each candidate;
- (c) votes given for and against a by-law or question;
- (d) used ballots that have not been objected to and have been counted;
- (e) ballots that have been objected to in whole or in part but which have been counted;
- (f) rejected ballots;
- (g) cancelled ballots;
- (h) ballots used but unmarked;
- (i) declined ballots;
- (j) unused ballots;
- (k) electors whose ballots have been marked by the deputy returning officer under sections 47 and 63. 1972, c. 95, s. 75 (1), *amended*.

Statement  
attached to  
polling list

(2) The duplicate statement shall be attached to the polling list maintained by the poll clerk and the original statement enclosed in a special packet shall be delivered to the clerk as provided herein. 1972, c. 95, s. 75 (2), *amended*.

Statement  
signed by  
D.R.O., etc.

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their scrutineers as are present and desire to sign it.

Certificate  
re ballots  
counted and  
rejected

(4) The deputy returning officer shall deliver to such of the candidates or their scrutineers as are present, if requested to do so, a certificate of the number of ballots counted for each candidate, and of the rejected ballots. 1972, c. 95, s. 75 (3, 4).

What to be  
placed in  
ballot box

**78.**—(1) The deputy returning officer shall place in the ballot box, the polling lists, the packets containing the ballots and all other documents or packets that served at the election, except,

- (a) the original statement;
- (b) the oath of the poll clerk;



(c) the oath of the person, if any, chosen to deliver the ballot box to the clerk; and

(d) the copies of the declaration required to be furnished to the clerk under subsection 3 of section 56. 1972, c. 95, s. 76 (1); 1974, c. 32, s. 34, *amended*.

(2) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it and the documents enumerated in subsection 1 personally to the clerk. Box to be locked, etc.

(3) Forthwith thereafter, the deputy returning officer shall take and subscribe the prescribed oath and shall personally deliver it or transmit it by registered mail to the clerk. Oath of D.R.O.

(4) If the deputy returning officer is unable personally to deliver the ballot box and documents enumerated in subsection 1 owing to illness or other cause, he shall deliver them to the poll clerk for delivery to the clerk, or, where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering them to the clerk, who shall take the prescribed oath to do so and the deputy returning officer shall thereon, or on a ticket attached thereto, write the name of the person to whom the box was delivered and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver them to the clerk and shall take before him the prescribed oath. Delivery of ballot box, etc., to clerk

(5) The candidates, or their scrutineers, are entitled to be present when the ballot box and documents for a polling place are delivered to the clerk pursuant to this section. 1972, c. 95, s. 76 (2-5). Right of candidate, etc., to be present

(6) Subject to section 69, a deputy returning officer, after the close of the poll, shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office or place of business, or to any house or place except the office of the clerk. 1972, c. 95, s. 76 (6), *amended*. D.R.O. not to take box to home, etc.

**79.**—(1) The clerk, after he has received the ballot boxes and other documents referred to in section 78, shall, without opening any of the ballot boxes, cast up from the original statements showing the number of votes for each candidate and for the affirmative or negative on any by-law or question at each polling place the total number of votes for each candidate and the total number of votes for the affirmative or negative on any by-law or question. 1972, c. 95, s. 77 (1), *amended*. Clerk to add up votes

(2) After casting up the total number of votes cast at an election, the clerk shall, at the town hall or, if there is no Declaration of result



town hall, at the clerk's office at noon on the Thursday following the day on which the polling is held, publicly declare to be elected the candidate or candidates having the highest number of votes, and declare the result of the vote with respect to any by-law or question and he shall also post up in some conspicuous place a statement under his hand showing the number of votes for each candidate and for the affirmative or negative on the by-law or question.

Delay in  
adding up  
votes

(3) If for any cause, the clerk cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, or for the affirmative or negative on any by-law or question he may adjourn to a future day and hour the adding up of the votes and so on from time to time, such adjournment or adjournments not in the aggregate to exceed fourteen days. 1972, c. 95, s. 77 (2, 3).

Safekeeping  
of box and  
documents

**80.**—(1) Except as provided in this section, the clerk, upon the receipt of a ballot box, and the documents referred to in section 78, shall take every precaution for their safekeeping and for preventing any other person from having access to them, and shall immediately on receipt of the ballot box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered. 1972, c. 95, s. 78 (1).

Opening of  
box when  
documents  
placed in  
box in  
error

(2) Where the documents specified in subsection 1 of section 78 are in error placed in the ballot box, the clerk may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the meaning of the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the clerk and by the clerk. 1972, c. 95, s. 78 (2), *amended*.

Where D.R.O.  
fails to  
deliver  
statement

(3) If a deputy returning officer has not delivered the statement of the ballots counted by him to the clerk as required by section 78, the clerk shall after notification to the candidates or their scrutineers, who may be present, open the appropriate ballot box for the purpose of counting the votes and shall count the votes. 1972, c. 95, s. 78 (3).

Where ballot  
box lost,  
etc.

**81.** If a ballot box for any polling place has been destroyed or lost, or, for any other reason, is not forthcoming by the time fixed for adding up the votes, the clerk shall ascertain the cause and, if the statement of the votes cast and certificates, or any of them or copies of them, cannot be procured, the clerk shall ascertain by such evidence as he is able to obtain, the total number of votes given for each candidate at the polling place and for the affirmative or negative on any by-law or

question, and may summon any deputy returning officer, poll clerk, election assistant or other person to appear before him at a time and place to be named by him, and the clerk shall notify the candidates of the intended proceedings and may examine on oath such deputy returning officer, poll clerk, election assistant or other person respecting the matter in question. 1972, c. 95, s. 79.

**82.**—(1) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, or the votes for the affirmative and negative on a by-law or question are equal, the clerk shall publicly declare the result and post up in a conspicuous place a statement showing the number of votes for each candidate and for and against the by-law or question and shall forthwith notify a judge of the result and the judge shall thereupon appoint a time and place to recount the votes cast up for such candidates or concerning such by-law or question. Equality of votes

(2) In such proceedings, sections 83 to 90 apply *mutatis mutandis*. 1972, c. 95, s. 80. Application of ss. 83-90

#### RECOUNT

**83.**—(1) In this section and in sections 84 to 86, "judge" means the judge of the county or district court in which the municipality or part thereof or the administrative or head office of the local board is situate. 1972, c. 95, s. 81 (1). Interpretation

(2) If, within fourteen days after the declaration by a clerk of the result of an election, upon an application of an elector it is made to appear by affidavit to a judge that the votes have been improperly counted or any ballot paper has been improperly rejected or that an incorrect statement of the number of votes cast for any candidate or for the affirmative or negative on any by-law or question has been made or that the votes have been improperly added up, and if within that time the applicant has given security for the costs in connection with the recount or final addition of any candidate declared elected in the amount of \$100 in legal tender, or if at any time within four weeks after such declaration the council of a municipality or a school board has by resolution declared that a recount or final addition is desirable in the public interest, the judge shall appoint a date and time and place to recount or make a final addition of the votes cast at the election, and shall notify in writing the clerk who made the declaration at least ten days prior to the date set for the recount or final addition. 1972, c. 95, s. 81 (2); 1974, c. 32, s. 35, *amended*. Where recount desirable



Notice of  
recount

(3) At least six days notice in writing of the time and place appointed shall be given by the clerk to the candidates and to the applicant, and the clerk or a person appointed by the clerk for the purpose shall attend the recount or final addition with the ballot boxes and all documents relating to the election. 1972, c. 95, s. 81 (3), *amended*.

Who may be  
present

(4) The judge, the clerk, a person appointed by the clerk, each candidate and his scrutineer appointed to attend the recount or final addition, and such other persons as the council may appoint where the recount or final addition relates to a by-law or question, but no other person, except with the approval of the judge, is entitled to be present at the recount. 1972, c. 95, s. 81 (4).

What ballots  
involved in  
recount

(5) Where a recount relates to the election of a candidate, the recount shall be of the votes cast respectively for the candidate declared elected when one only is to be elected or in other cases for the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the votes cast for him to be recounted or the votes cast for him to be finally added. 1972, c. 95, s. 81 (5), *amended*.

Judge may  
order recount,  
etc., of votes  
cast for other  
candidates

(6) Notwithstanding subsection 5, the judge conducting the recount may order the recount of the votes cast for any other candidate whose election or right to any other office may be affected in any way by the recount conducted under subsection 5. *New*.

Procedure  
by judge

(7) At the date, time and place appointed, and in the presence of such of the persons entitled to be present as may attend, the judge conducting a recount or final addition of the votes cast at an election shall make such final addition from the statements returned to the clerk by the deputy returning officers, or recount all the ballots received by the clerk from the deputy returning officers and the number of votes counted at the election and shall for the purposes of the recount open the sealed packets containing the used ballots that were not objected to and were counted, the ballots that were objected to but which were counted, the rejected ballots, the cancelled ballots, the ballots that were used but were unmarked, the declined ballots and the unused ballots. 1972, c. 95, s. 81 (6), *amended*.

Rules to  
govern  
proceedings

(8) Subject to subsection 9, the judge shall proceed according to the provisions of this Act for the counting of the ballots and of the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

(9) If for any reason it appears desirable to do so the judge, upon the application of any party to a recount, may hear such evidence as he considers necessary for the purpose of making a full and proper recount of the ballots, and, without restricting the generality of the foregoing, he may, if the recount results in any of the candidates for any office being declared to have received the same number of votes as any other candidate or candidates who were parties to the recount, hear such evidence as he considers necessary to determine who was elected to that office. 1972, c. 95, s. 81 (7, 8).

Judge may hear any evidence necessary for proper recount

(10) Upon the completion of a recount, or final addition, the judge shall forthwith notify in writing the result of the recount or final addition to the clerk and announce the results to persons present at the recount, and, immediately after the expiry of the appeal period specified in section 88, all the ballots and statements shall be sealed in separate packets in the manner prescribed by the judge. 1972, c. 95, s. 81 (9), *amended*.

Judge to notify clerk of result of recount or final addition

(11) The judge may require the clerk of the county or district court to be present at the time and place appointed. 1972, c. 95, s. 81 (10).

Clerk of court

**84.** If no notice of appeal is given to the judge within two days after the completion of a recount or his final addition, the judge shall certify forthwith the result to the clerk who shall then declare the candidate having the greatest number of votes to be elected or certify to the council the result of the vote with respect to a by-law or question. 1972, c. 95, s. 82 (2).

If no appeal, clerk to declare result

**85.**—(1) In the case of an equality of votes for candidates for any office for which one person only is to be elected, or for which the holding of any other office is to be determined as a result of a recount or final addition, the successful candidate shall be determined by lot conducted by the clerk. 1972, c. 95, s. 83, *amended*.

Equality of votes

(2) For the purposes of this section, "lot" means the method of determining the successful candidate by placing the names of the candidates on equal size pieces of paper placed in a box and one name being drawn by a person chosen by the clerk. *New*.

Method of conducting lot

**86.**—(1) The costs of a recount under section 83 are in the discretion of the judge making the recount who may order by whom, to whom and in what manner the costs shall be paid. 1972, c. 95, s. 84 (1).

Costs of recount

(2) The judge may in his discretion award costs of a recount or final addition to or against any person who is a party

Awarding of costs



to it and may fix the amount thereof or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court. 1972, c. 95, s. 84 (2), *amended*.

Where no  
provision as  
to costs

(3) Where the judge makes no provision as to the costs of a recount or final addition, the disbursements made or authorized to be made by the clerk shall be paid by the municipality except where the recount or final addition has been held at the instance of a school board, in which case the disbursements made by the clerk shall be paid by the board. 1972, c. 95, s. 84 (3); 1974, c. 32, s. 36 (1).

Payment of  
deposit

(4) Where costs are directed to be paid by the applicant for a recount or final addition, the money deposited as security for costs under section 83 shall be paid out to the party entitled to such costs, so far as necessary.

Enforcement  
of payment  
of costs

(5) Payment of the costs awarded under this section may be enforced by execution to be issued from any county or district court, upon filing therein the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them. 1972, c. 95, s. 84 (4, 5).

Expenses of  
judge

(6) The judge is entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him for a recount or final addition except where the recount or final addition has been held at the instance of a school board, in which case the expenses shall be paid by the board. 1972, c. 95, s. 84 (6); 1974, c. 32, s. 36 (2).

Where no  
appeal,  
packets to  
be returned  
to clerk

**87.**—(1) Upon expiry of the time for appeal from a decision of a judge on a recount or final addition if no appeal has been taken, the judge shall cause packets, sealed in accordance with subsection 10 of section 83, to be returned to the custody of the clerk.

Documents  
not required  
on appeal

(2) If an appeal is taken from the decision of a judge on a recount or final addition, the judge shall cause such of the packets of ballots and such of the original statements as are not required for the purpose of the appeal to be returned to the custody of the clerk. 1972, c. 95, s. 85, *amended*.

#### APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

Appeal from  
decision of  
judge

**88.**—(1) Any party may appeal from the decision of the judge who conducted a recount or final addition other than a

decision on a recount or final addition of votes in relation to any by-law or question, by giving notice in writing within two days after the completion of the recount or final addition to the other parties and to the judge of his intention to appeal, and he may by the notice limit the appeal to specified ballots.

(2) The notice may be served upon the other parties personally, or as a judge of the Supreme Court may direct. 1972, c. 95, s. 86 (1, 2). Service of  
notice

(3) Where the appeal is limited, the judge who conducted the recount or final addition shall forward the sealed packets of the ballots or statements that are the subject of appeal, together with the notice and a certificate showing his findings as to the ballots in dispute, by registered mail to the Registrar of the Supreme Court, but, if the appeal is not limited the judge shall forward all the ballots and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate under section 83 to the clerk. 1972, c. 95, s. 86 (3), *amended*. Ballots, etc.,  
to be for-  
warded to  
Registrar  
of Supreme  
Court

(4) On receipt of the ballots and notice, the Registrar shall forthwith obtain an appointment from a judge of the Supreme Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed. Appointment  
for hearing

(5) At the time appointed, the judge of the Supreme Court shall recount the ballots or such of them as are the subject of appeal, or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty it is to conform to the decision and to certify the result without delay to the clerk. Procedure on  
appeal

(6) The judge of the Supreme Court may direct by and to whom, the costs of the appeal shall be paid. Costs of  
appeal

(7) Where the judge of the Supreme Court makes no provision as to costs, the disbursements made or authorized to be made by the clerk, shall be paid by the municipality. 1972, c. 95, s. 86 (4-7). Idem

#### DISPOSITION OF ELECTION RECORDS

**89.**—(1) The clerk shall retain in his possession for ninety days from the date of the poll for an election all the ballots in the election and, unless otherwise directed by an order of a judge or officer having jurisdiction to inquire as to the validity of Disposition  
of ballots



the election, shall then destroy them in the presence of two witnesses, who shall make a statutory declaration that they witnessed the destruction of them and such declaration shall be filed in the office of the clerk.

Disposition  
of other  
documents

(2) Subject to subsection 1, the clerk shall retain in his possession all oaths, nominations, qualification documents, statements of the votes cast, and other documents relating to an election until the successors to the persons elected at such election have taken office, and may then destroy them. 1972, c. 95, s. 87.

Inspection  
of ballots

**90.—(1)** No person shall be allowed to inspect the contents of a ballot box in the custody of the clerk except under the order of a judge. 1974, c. 32, s. 37.

Order of  
judge

(2) The order may be made on the judge being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence, or corrupt practice, or of taking proceedings for contesting the election or return. 1972, c. 95, s. 88 (2).

Production  
of documents  
by clerk

**91.** Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order is evidence that the document relates to the election, and any endorsement appearing on any packet of ballots so produced is evidence that the contents are what they are stated to be by the endorsement. 1972, c. 95, s. 89.

#### NEW ELECTIONS

New  
election

**92.—(1)** Where a new election is required under the authority of this or any other Act to fill a vacancy in any office by an election other than a regular election, the clerk of the municipality who is the returning officer with whom nominations may be filed shall set the date of the nomination day which shall be within forty-five days of the day on which,

- (a) a directive is given in any judicial proceedings;
- (b) the council of the municipality passes a by-law; or
- (c) the clerk receives from the secretary of a school board notice,

that such an election is required. 1972, c. 95, s. 90 (1), *amended*.

(2) The procedure including the period for filing nominations at a new election shall be the procedure and period applicable at a regular election of the municipality and polling day shall be not less than eighteen and not more than twenty-one days after nomination day. Procedure

(3) The polling required to fill a vacancy in an office by this section shall so far as possible be held in the same manner and by the same officers and take place at the same places, in so far as practicable, at which the polling took place at the last regular election. 1972, c. 95, s. 90 (2, 3). Polling

(4) Unless a new preliminary list of electors has been furnished by the assessment commissioner under subsection 5, the preliminary list to be used for preparation of the polling list for a new election shall be the polling list prepared for the last regular election, which shall be subject to revision as if it were a preliminary list of electors and sections 24 to 30 apply *mutatis mutandis* to the printing or reproduction of the list and to the revision of the list, subject to the following rules: List of electors

1. Where a new election is required under clause *a* of section 38 or subsection 3 of section 40, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the Thursday following the polling day for the last regular election.
2. Where a new election is required under section 111, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the receipt by the clerk of the municipality of the copy of the judgment under subsection 6 of section 111.
3. Where a vacancy otherwise occurs and the council of the municipality or a school board for which the clerk is required to hold elections requires an election to be held to fill the vacancy, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the directive, by-law or notice specified in clause *a*, *b* or *c* of subsection 1.



4. Where a by-law or question is to be submitted to the electors, the period during which a person may qualify as an elector entitled to vote on the by-law or question, as the case may be, shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the order of the Ontario Municipal Board given under section 262 of *The Municipal Act*. 1974, c. 32, s. 38 (1), *amended*.

R.S.O. 1970.  
c. 284

Idem

R.S.O. 1970.  
c. 32

- (5) Where in the year following an election year the annual enumeration under *The Assessment Act* has, prior to the holding of the new election, been completed for the municipality or municipalities in which the new election is to be held, the assessment commissioner shall, within fourteen days of a request by the clerk or clerks of such municipality or municipalities, furnish a new preliminary list of electors based on such annual enumeration and in accordance with the requirements of this Act pertaining to the preparation of such lists and such preliminary list shall for all purposes, including revision by the clerk, be the preliminary list of electors for the new election. 1972, c. 95, s. 90 (5).

Certification  
of list

- (6) The preliminary list for a new election, when revised, shall be subject to certification by the clerk under section 31 and to entry of names in the list under sections 33 and 56. 1974, c. 32, s. 38 (2), *part*.

Eligibility  
of member  
to be  
candidate  
for other  
office

- (7) Where a vacancy occurs in any office and an election is to be held to fill such vacancy, a person holding any other office is not eligible to be a candidate for the vacant office unless he has, before the nomination day for the new election, filed with the clerk a certified copy of his resignation from the office that he then holds with evidence satisfactory to the clerk that such resignation has been filed as required by legislation governing the office that he then holds. 1972, c. 95, s. 90 (6).

Vacancy  
after  
March 31st  
of election  
year

- (8) Notwithstanding anything in this or any other general or special Act, a new election shall not be held to fill a vacancy where the vacancy occurs after the 31st day of March of an election year. 1972, c. 95, s. 90 (7).

Revision of  
partial list

- (9) If election to the office for which a new election is required is to be by ward or other form of division of the municipality it is necessary to revise only that portion of the preliminary list applicable to such ward or other part of the municipality. 1974, c. 32, s. 38 (2), *part*.

**93.** Notwithstanding that a new election becomes necessary, Council may meet notwithstanding vacancy  
meetings of the council may be held if a quorum of the council is present. 1972, c. 95, s. 91.

#### EFFECT OF IRREGULARITIES

**94.** No election shall be declared invalid,

Irregularities  
not to offset  
result

- (a) by reason of any irregularity on the part of the clerk or in any of the proceedings preliminary to the poll;
- (b) by reason of a failure to hold a poll at any place appointed for holding a poll;
- (c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes or as to limitations of time; or
- (d) by reason of any mistake in the use of the prescribed forms,

if it appears to the court having cognizance of the matter that the election was conducted in accordance with the principles of this Act and that the irregularity, failure, non-compliance or mistake did not affect the result of the election. 1972, c. 95, s. 92.

#### SECURITY OF PROCEEDINGS

**95.—(1)** Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting. Secrecy of proceedings

(2) No person shall interfere or attempt to interfere with an elector when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how an elector is about to vote or has voted. Interference with elector

(3) No person shall communicate any information obtained at a polling place as to how an elector at such polling place is about to vote or has voted. Communication as to voting

(4) No person shall, directly or indirectly, induce or attempt to induce an elector to show his ballot paper after he has marked it so as to make known to any person how he has voted. Inducing person to show ballot

(5) Subject to section 63, an elector shall not show his ballot paper, when marked, to any person so as to make known how he voted. Voter not to show ballot

No one compellable to disclose his vote

(6) No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted. 1972, c. 95, s. 93.

#### OFFENCES, PENALTIES AND ENFORCEMENT

Voting when not qualified, etc.

**96.** Every person who, at an election,

- (a) not being qualified to vote, votes;
- (b) being qualified to vote, votes more times than he is authorized to vote by this Act; or
- (c) votes in a polling subdivision other than one in which he is entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both. 1972, c. 95, s. 94.

Improper voting by proxy

**97.** Every person who,

- (a) having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force; or
- (b) having been appointed a voting proxy at an election, votes or attempts to vote at the election under the authority of the proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the elector who made the appointment is dead or is no longer entitled to vote,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both. 1972, c. 95, s. 95.

Wilful miscount of ballots

**98.** Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both. 1972, c. 95, s. 96.

Neglect of duties

**99.** Every clerk, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. 1972, c. 95, s. 97.



**100. Every person who,**

Offences  
relating to  
ballot  
papers

- (a) without authority, supplies a ballot to any person;
- (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;
- (c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;
- (d) takes a ballot out of the polling place;
- (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
- (f) being a deputy returning officer, knowingly puts his initials on the back of any paper that is not a ballot, purports to be or is capable of being used as a ballot at an election; or
- (g) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both. 1972, c. 95, s. 98.

**101.** Every person who knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both. 1972, c. 95, s. 99.

False  
information  
to authorized  
persons

**102. Every person who,**

Offences of  
inducing un-  
qualified  
person to vote  
or publishes  
false state-  
ment of with-  
drawal of  
candidate

- (a) induces or procures any person to vote knowing that that person has no right to vote; or
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,

is guilty of a corrupt practice and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than six months, or to both. 1972, c. 95, s. 100.

**103.—(1) Every person who,**

Bribery;

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or

bribing  
elector or  
procuring  
bribery by  
money



offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any person in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of any elector having voted or refrained from voting at an election; or

by gift or  
offer or  
promise of  
employment

- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any elector, or to or for any other person in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of any elector having voted or refrained from voting at an election; or

to induce  
anyone to  
procure  
return of  
candidate  
or endeavour  
to procure

- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any elector at an election; or

receiving  
bribe to  
procure  
return of  
candidate

- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any elector at an election; or

advancing  
money to  
be spent  
in corrupt  
practices

- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part of it shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or

applying  
for money  
or employ-  
ment in  
considera-  
tion of  
voting

- (f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate for the gift or loan of any money or valuable consideration, or for the promise of the

gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment ; or

- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election ; or receiving money, office, etc., for having voted
- (h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election ; or receiving money corruptly after election
- (i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person, giving or promising office to candidate to stand or withdraw

is guilty of bribery, and on summary conviction is liable to a fine of \$200, or to imprisonment for a term of not more than six months, or to both, and is disqualified from voting at any election for four years.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof is not a contravention of this Act. Personal expenses of candidate

(3) The clerk shall furnish every deputy returning officer with at least two copies of this section, and the deputy returning officer shall post them in conspicuous places at the polling place. 1972, c. 95, s. 101. Posting of provisions as to corrupt practices

**104.** Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. 1972, c. 95, s. 102. General offence



Disqualifi-  
cation of  
persons  
guilty of  
corrupt  
practice

**105.**—(1) Where a candidate at an election is convicted of bribery or of committing a corrupt practice, he is ineligible to be nominated and stand as a candidate at any election up to and including the next regular election, or to hold any office at the nomination of a municipal council or local board for four years following the date of the poll.

Limitation

(2) If, when the candidate is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate is not subject to the penalties and disabilities provided by subsection 1. 1972, c. 95, s. 103.

#### CORRUPT PRACTICES AND CONTROVERTED ELECTIONS

Validity of  
election,  
etc.,  
determined  
by action

**106.**—(1) The validity of an election or of the election of any person to any office at such an election or whether or not any person is guilty of a corrupt practice respecting an election shall be tried and determined by an action commenced by issuing a writ in the county or district court for the county or district in which the municipality or the administrative or head office of the local board is situated.

Penalties  
for corrupt  
practice

(2) Where the county or district court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under sections 96 to 102. 1972, c. 95, s. 104 (1, 2).

Who may  
commence  
action

(3) Any elector entitled to vote at an election referred to in subsection 1 may commence an action under this section in relation to such election. 1972, c. 95, s. 104 (3), *amended*.

Time for  
commencing  
action

(4) No action shall be commenced after the expiration of ninety days following the date of the poll at the election referred to in subsection 1. 1972, c. 95, s. 104 (4).

Mode of  
trial

**107.**—(1) The judge shall, in a summary manner and without formal pleadings, hear and determine the questions raised by or upon an action under section 106 and may give directions as to the conduct thereof and may inquire into the facts on affidavit, by oral testimony, or by trying an issue framed by him, or by one or more of those means.

Idem

(2) Subject to subsection 1 and where not otherwise provided in this Act, the practice and procedure of the county or district court apply to an action commenced under section 106.

Judge  
without  
jury

(3) The action shall be tried by a judge without a jury. 1972, c. 95, s. 105.

**108.**—(1) At the time of the commencement of an action, security shall be given on behalf of the plaintiff to be applied towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the clerk incurred in the publication of notices in the municipality in respect of the writ of the action or proceedings therein. Security for costs

(2) The security shall be in the amount of \$400 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario. 1972, c. 95, s. 106. Idem

**109.**—(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs. Abatement of action

(2) The abatement of an action does not affect any liability for costs previously incurred. Liability for costs

(3) On the abatement of an action any person who might have been a plaintiff may apply to a judge of the court or, during the trial, to the trial judge to be substituted as the plaintiff. 1972, c. 95, s. 107. Substitution of plaintiff

**110.** Where a plaintiff is not qualified to be a plaintiff in an action under this Act, the action shall not on that account be dismissed if, within such time as a judge of the court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper. 1972, c. 95, s. 108. Substitution for unqualified person

**111.**—(1) Where it is determined that a successful candidate is guilty of bribery or of a corrupt practice, the court may declare his election void and his office shall thereupon become vacant. Successful candidate guilty of corrupt practice

(2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person would have been elected but for the corrupt practice that he be admitted to take his seat in the council or board or, if it is determined that no other person is elected, a new election shall be held. Unseating and seating of another elected candidate

(3) Where it is determined that any person is guilty of bribery or of a corrupt practice and that the commission of the bribery or corrupt practice affected the result of the election, the court may declare the election void and a new election shall be held. Where commission of corrupt practice affected result of election



Where act of  
election  
official  
affected  
result of  
election

(4) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and a new election shall be held.

Compensation  
of candidates  
where  
election void

(5) Where a new election is to be held, the court may make such order as it considers just against any person who is found guilty of an offence or of bribery or a corrupt practice under this Act for the compensation of candidates at the void election not exceeding \$2,000 per candidate.

Judgment  
to clerk

(6) The clerk of the court shall forward a copy of the judgment and the reasons for judgment to the clerk of the municipality. 1972, c. 95, s. 109.

Where  
election set  
aside and  
appeal  
entered

**112.**—(1) If the court determines that a member was not duly elected, notwithstanding that an appeal from the decision is pending, he is not entitled to sit or vote on the council or board until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat and to sit and vote until the appeal is disposed of and the judgment of the court on appeal is received by the council or local board. 1972, c. 95, s. 110.

Decisions  
of council  
not affected  
by reason  
of subsequent  
disqualifi-  
cation

(2) The decisions of a council reached with the participation of a member or members who is or are subsequently declared to be not entitled to sit on council shall not in any way be affected on the grounds of the participation of such member or members. *New.*

New election  
not to be  
held pending  
appeal

**113.** A new election shall not be held until after the expiration of the time limited for appeal from the determination of the court that the election is void and, if an appeal is brought, the election shall not be held pending the appeal. 1972, c. 95, s. 111.

Appeal to  
Divisional  
Court

**114.**—(1) An appeal lies from the judgment of the county or district court to the Divisional Court in accordance with the rules of court.

Judgment  
or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced or may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Divisional Court, the case shall thereafter be proceeded with as if there had been no appeal.

(3) An appeal lies from the decision of the trial judge to whom the case was remitted by the Divisional Court in accordance with the provisions of this section. 1972, c. 95, s. 112.

Appeal from  
decision on  
new trial

**115.** Any person elected may, at any time after the election and before it is complained of, deliver to the clerk of the municipality a disclaimer, signed by him, to the following effect:

Disclaimer  
before  
complaint

"I, A.B., hereby disclaim all right to the office of  
.....for the.....of  
.....in the.....of  
.....and all defence of any right I may  
have to the same. Dated.....day of  
....., 19.... A.B."

1972, c. 95, s. 113.

**116.** A person whose election is complained of, unless it is complained of on the ground of bribery or of a corrupt practice on his part, may, within one week after service on him of the writ, transmit by registered mail, or deliver to the judge of the court, and to the applicant or his solicitor, a disclaimer signed by him to the following effect:

Disclaimer  
after  
complaint

"I, A.B., upon whom a writ, authorized by *The Municipal Elections Act, 1972*, has been served for the purpose of contesting my right to the office  
of....., in the county (or district)  
of....., hereby disclaim the office, and  
all defence of any right I may have to the same.  
Dated.....day of....., 19....  
A.B."

1972, c. 95, s. 114.

**117.—(1)** A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council or to the secretary of the local board, as the case requires. 1972, c. 95, s. 115 (1); 1974, c. 32, s. 39.

Duplicate  
of disclaimer  
to clerk

Operates as  
resignation

(2) A disclaimer in accordance with section 115 or 116 operates as a resignation.

Relief from  
costs

(3) A disclaimer in accordance with section 116 relieves the person making it from all liability for costs in an action under section 104. 1972, c. 95, s. 115 (2, 3).

Procedure  
substituted  
for *quo  
warranto*  
proceedings

**118.** Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, and proceedings to have the right of a person to sit in a council or as trustee of a police village or as member of a local board, as the case may be, determined shall be had and taken only under the provisions of this Act. 1972, c. 95, s. 116; 1974, c. 32, s. 40, *amended*.

Forms

**119.**—(1) The Minister may by order prescribe the forms required for the purposes of this Act, which forms may be in both the English and French languages. 1975, c. 23, s. 1, *part*.

Notices in  
French  
language

(2) Any notices required to be posted, published or mailed under this Act may, in addition to being printed in the English language, be printed in the French language.

Determina-  
tion  
by council  
of French-  
language  
forms, etc.

(3) The use in a municipality of forms prescribed in the French language under subsection 1 or the printing of notices in the French language under subsection 2 shall be determined by by-law of the council of the municipality. *New*.

Holidays

**120.** Subject to subsection 2 of section 11, where any day specified in this Act for the undertaking of any proceeding pertaining to an election falls on a holiday, the day specified shall be deemed to be the immediately preceding day which is not a Sunday or a holiday. *New*.

Limitation  
on election  
expenditures

**121.** The council of a municipality may by by-law provide for limitations on elections expenditures by or on behalf of a candidate and require the disclosure by a candidate of all election contributions to his campaign in excess of \$100 in the form of money and goods and services. *New*.

1975, c. 40,  
s. 27 (1),  
re-enacted

**122.** Subsection 1 of section 27 of *The Liquor Licence Act*, 1975, being chapter 40, is repealed and the following substituted therefor:

Submission  
by council  
to vote

(1) The council of a municipality may submit one or more of the questions prescribed by the regulations respecting the authorization for the sale of liquor in the municipality to a vote.



- (1a) The council of a municipality shall submit to a <sup>Idem</sup> vote such questions prescribed by the regulations respecting the authorization for the sale of liquor in the municipality as are requested by petition signed by at least 25 per cent of the persons appearing on the list of electors, as revised, prepared for the previous municipal election.

**123.** Section 30 of the said Act is repealed.

1975, c. 40,  
s. 30,  
repealed

**124.** Sections 31, 32 and 33 of the said Act are repealed and the following substituted therefor:

1975, c. 40,  
ss. 31-33,  
re-enacted

31. The day fixed for taking the vote on any question or questions shall be the day upon which, under *The Municipal Elections Act, 1977*, a poll would be held at the election of members of the council of the municipality unless the council, with the approval of the Board, fixes some other day and notifies the clerk of the municipality to that effect, but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be.

Day of  
polling  
1977, c. ...

- 32.—(1) The persons qualified to vote upon a question or questions are such persons as would be eligible to vote at an election held on that day pursuant to *The Municipal Elections Act, 1977*.

Who may  
vote

- (2) Where the vote is held on a day other than the date set for the election of members to the council of the municipality, the termination of the qualification period for determining the eligibility of electors under paragraph 4 of subsection 4 of section 92 of *The Municipal Elections Act, 1977* is the date of the approval given by the Board as required by section 31.

Qualification  
period for  
determining  
eligibility  
of electors

33. The provisions of *The Municipal Elections Act, 1977* apply to the taking of a vote under this Act.

Application  
of  
1977, c. ...

- 33a. The returning officer shall make his return to the Board showing the number of votes polled for the affirmative and negative on the question or questions submitted and, upon the receipt of such return, the

Return to  
Board



Board shall give notice thereof in *The Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions.

1975, c. 40,  
s. 34 (2),  
re-enacted

**125.** Subsection 2 of section 34 of the said Act is repealed and the following substituted therefor:

Who entitled  
to sign  
petition

- (2) The persons qualified to sign a petition pursuant to section 27 or 28 are the persons whose names appeared on the list of electors, as revised, prepared for the previous municipal election held in the municipality amalgamated or municipality or part annexed, as the case may be.

Who  
entitled  
to vote

- (3) The persons qualified to vote upon a question or questions are the persons who would be eligible to vote at an election held in the municipality amalgamated or municipality or part annexed, as the case may be, held pursuant to *The Municipal Elections Act, 1977*.

1977, c. ...

Repeals

**126.** The following are repealed:

1. *The Municipal Elections Act, 1972*, being chapter 95.
2. *The Municipal Elections Amendment Act, 1974*, being chapter 32.
3. *The Municipal Elections Amendment Act, 1975*, being chapter 23.

Commence-  
ment

**127.** This Act comes into force on the 1st day of January, 1978.

Short title

**128.** The short title of this Act is *The Municipal Elections Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Dec 16 1977*

ASSEMBLY PROROGUED

*December 16 1977*

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY



An Act to revise  
The Municipal Elections Act, 1972

---

*1st Reading*

November 8th, 1977

*2nd Reading*

November 22nd, 1977

*3rd Reading*

December 12th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*Pauline E. E. S. Hon*  
BILL 99

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to regulate the  
Discounting of Income Tax Refunds**

---

THE HON. L. GROSSMAN  
Minister of Consumer and Commercial Relations

---





BILL 99

1977

## An Act to regulate the Discounting of Income Tax Refunds

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "discounter" means a person, including an agent or broker, who, acting in the course of business, acquires from a taxpayer the taxpayer's right to a refund which is due or will become due to the taxpayer;
- (b) "Minister" means the Minister of Consumer and Commercial Relations;
- (c) "refund" means the amount which an individual is entitled to receive,
  - (i) as an overpayment of the income tax paid by him or on his behalf under *The Income Tax Act* or the *Income Tax Act* (Canada) and interest on the overpayment, R.S.O. 1970, c. 217  
R.S.C. 1952, c. 148
  - (ii) as an overpayment of unemployment insurance premiums paid by him or on his behalf under the *Unemployment Insurance Act, 1971* (Canada), 1970-71-72, c. 48 (Can.)
  - (iii) as an overpayment of contributions paid by him or on his behalf under the *Canada Pension Plan*, R.S.C. 1970, c. C-5
  - (iv) as a tax credit under section 6b of *The Income Tax Act*, or
  - (v) as a grant or refund under an Act of Canada, Ontario or of any other province;

(d) "regulations" means the regulations made under this Act;

(e) "taxpayer" means an individual other than a discounter who has the right to receive a refund.

Matters  
to be  
specified by  
discounter

**2.** Before a discounter may acquire from a taxpayer the right to receive a refund which is due or will become due to the taxpayer, the discounter shall specify in writing to the taxpayer the terms of the acquisition including,

(a) the amount of the refund that the discounter believes is due or will become due to the taxpayer;

(b) the amount to be paid by the discounter for the refund which is due or will become due; and

(c) the difference between the amounts referred to in clauses *a* and *b*, which is the amount that the taxpayer will forego as a result of the discounting agreement.

Maximum  
discount

**3.** No acquisition by a discounter of a right to receive a refund from a taxpayer shall be valid if the actual consideration given for the right by the discounter to the taxpayer is less than 95 per cent of the amount of the refund which is due or will become due to the taxpayer, or such greater amount as may be prescribed by the regulations.

Charge for  
service

**4.** No discounter shall make an unreasonable charge for any service, including the completing of the income tax return of a taxpayer, and, in determining whether a charge is unreasonable, consideration shall be given to the time spent completing the return and the complexity of the return and the necessity of the service to facilitate the taxpayer receiving a refund which is due or will become due.

Remitting  
excess  
payment

**5.** Where, in respect of a taxpayer, a discounter receives an amount which exceeds the amount referred to in clause *a* of section 2,

(a) the excess amount shall be remitted forthwith by the discounter to the taxpayer; or

(b) if the discounter is not able to locate the taxpayer and remit the excess to the taxpayer, the discounter shall, within thirty days from the date of receipt of the excess, remit the excess to the Receiver General of Canada to be credited to the taxpayer's account.



**6.** The taxpayer may recover from the discounter as a simple contract debt the excess amount required to be paid by section 5 which has not been paid by the discounter as required by section 5. Recovery of excess payment

**7.** A discounter shall, by the 31st day of July of each year, file with the Minister in the prescribed form, Return filed by discounter

- (a) the name and address of each taxpayer whose refund was acquired;
- (b) the amount of the refund;
- (c) the amount that was paid to the taxpayer; and
- (d) the amount actually received by the discounter pursuant to the refund acquired,

for the year ending with the 30th day of June.

**8.** Every discounter who acquires from a taxpayer the right to receive a refund which is due or will become due shall keep posted in a prominent location on his business premises a notice informing the taxpayer of the provisions of this Act, and the form and wording of the notice may be prescribed by the regulations. Notice to be posted

**9.** The discounter shall retain in his place of business proper records and books of account showing moneys disbursed and received, the name of every person who has had his return or right to a return acquired by a discounter, and the last known address of every such person. Records to be kept by discounter

**10.—(1)** Every person who contravenes this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. Penalty

**(2)** Where a person is convicted of an offence under section 4 or 5, the provincial judge making the conviction shall, in addition to the fine imposed pursuant to subsection 1, order that the person convicted pay the taxpayer any amount that the provincial judge finds is owing to the taxpayer. Compensation in addition to fine

**(3)** Where a corporation contravenes any provision of this Act or the regulations, an officer, director or agent of the corporation or a person purporting to act in any such capacity who authorizes, permits or acquiesces in the contravention is a party to and guilty of the offence and is liable on conviction to the penalty provided for the offence whether or not the corporation has been prosecuted or convicted. Officers, etc., liable



Onus of  
proof

(4) In determining whether for the purposes of subsection 3 an officer, director or agent of the corporation or a person purporting to act in any such capacity authorized, permitted or acquiesced in the contravention of any provision of this Act or the regulations, it shall be for the officer, director or agent or person purporting to act in any such capacity to prove that he did not authorize, permit or acquiesce in the contravention.

Order may  
be filed

(5) An order for payment under subsection 2 may be filed by the taxpayer in a court of competent jurisdiction and thereupon the order shall be deemed to be an order of that court for the purposes of enforcement.

Regulations

**11.** The Lieutenant Governor in Council may make regulations,

- (a) requiring that the discounter file with the Minister, copies of all agreements, forms and other documents that he intends to use in acting as a discounter;
- (b) prescribing anything that by this Act is to be prescribed;
- (c) prescribing the form and wording of notice required by section 8 and the manner of exhibiting the notice; and
- (d) prescribing the percentage amount of the consideration in respect of an assignment of a refund for the purposes of section 3.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

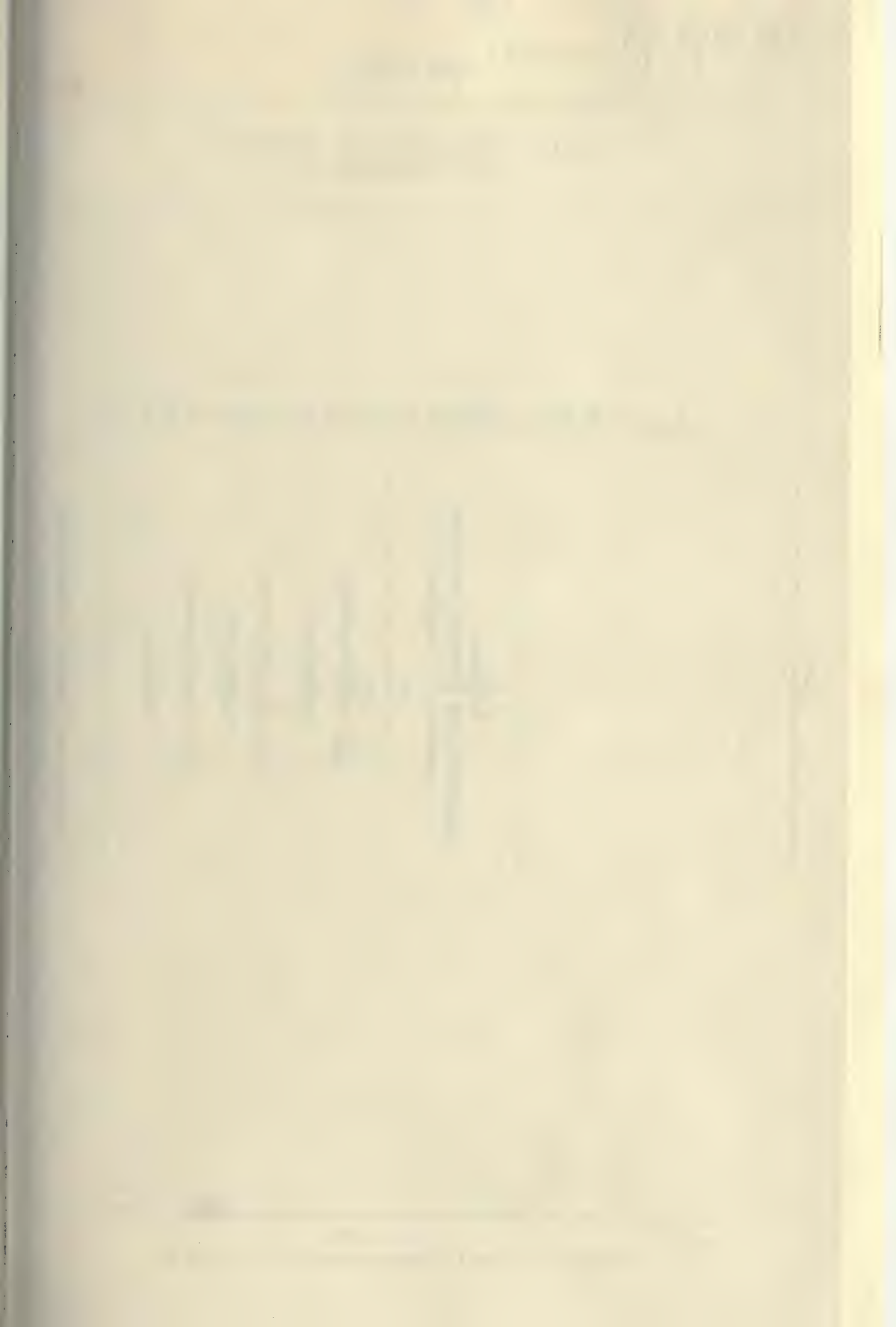
Short title

**13.** The short title of this Act is *The Income Tax Discounters Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 25 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY



An Act to regulate the  
Discounting of Income Tax Refunds

---

*1st Reading*

November 8th, 1977

*2nd Reading*

November 15th, 1977

*3rd Reading*

November 22nd, 1977

---

THE HON. L. GROSSMAN  
Minister of Consumer and Commercial  
Relations

---

*Pauline L. L. Llin*  
**BILL 102**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Farm Products Marketing Act**

---

THE HON. W. NEWMAN  
Minister of Agriculture and Food

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



1890  
100

100

100

100

100

100

BILL 102

1977

## An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Farm Products Marketing Act*, <sup>s. 1 (e), re-enacted</sup> being chapter 162 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*e*) "marketing" includes advertising, assembling, buying, financing, offering for sale, packing, processing, selling, shipping, storing and transporting and "market" and "marketed" have corresponding meanings.

2. Clause *g* of subsection 1 of section 4 of the said Act is repealed <sup>s. 4 (1) (g), re-enacted</sup> and the following substituted therefor:

(*g*) appoint persons to,

- (i) inspect the books, records, documents, lands and premises and any regulated product of persons engaged in producing or marketing the regulated product, and
- (ii) enter on lands or premises used for the producing of any regulated product and measure the area of land used to produce the regulated product or perform a count of the regulated product.

3. Section 7 of the said Act is repealed and the following <sup>s. 7, re-enacted</sup> substituted therefor:

7.—(1) Every person when requested to do so by a per- <sup>Production of records, etc.</sup> son, appointed by the Board or a local board to carry out the duties referred to in clause *g* or *h* of subsection 1 of section

4 respecting a regulated product, shall, in respect of that regulated product, produce such books, records and documents and permit inspection thereof and supply extracts therefrom, permit inspection of such lands or premises and regulated product and permit such measurement of the area of land used to produce the regulated product or the performance of such count of the regulated product.

Obstruction

(2) No person shall hinder or obstruct a person, appointed by the Board or a local board to carry out the duties referred to in clause *g* or *h* of subsection 1 of section 4, in the course of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate  
of  
appointment

(3) The production by any person of a certificate of his appointment by the Board or a local board under clause *g* or *h* of subsection 1 of section 4, purporting to be signed by the chairman and secretary of the Board or the local board shall be accepted by any person engaged in the producing or marketing of the regulated product as *prima facie* proof of such appointment.

s. 8 (1),  
amended

4.—(1) Subsection 1 of section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 156, section 1, is further amended by adding thereto the following paragraphs:

13a. authorizing a local board,

- i. to require that a regulated product be produced on a quota basis,
- ii. to prohibit any person to whom a quota has not been fixed and allotted for the producing of a regulated product or whose quota has been cancelled from producing any of the regulated product,
- iii. to prohibit any person to whom a quota has been fixed and allotted for the producing of a regulated product from producing any of the regulated product in excess of such quota and
- iv. to prohibit any person to whom a quota has been fixed and allotted for the producing of a regulated product on lands or premises in respect of which such quota was fixed and allotted from producing any of the regulated

product other than the regulated product produced on such lands or premises;

13b. authorizing a local board,

- i. to fix and allot to persons quotas for the producing of a regulated product on such basis as the local board considers proper,
- ii. to refuse to fix and allot to any person a quota for the producing of a regulated product for any reason that the local board considers proper,
- iii. to cancel or reduce, or refuse to increase, a quota fixed and allotted to any person for producing a regulated product for any reason that the local board considers proper, and, without limiting the generality of the foregoing, to cancel or reduce any such quota as a penalty where the local board believes on reasonable grounds that the person to whom the quota was fixed and allotted has contravened any provision of this Act or the regulations, and
- iv. to permit any person to whom a quota has been fixed and allotted for the producing of a regulated product to produce any of the regulated product in excess of such quota on such terms and conditions as the local board considers proper.

(2) Paragraph 21 of subsection 1 of the said section 8 is amended by adding thereto the following subparagraph: s. 8 (1),  
par. 21,  
amended

- iv. the minimum amount of rental to be paid by or on behalf of a person engaged in processing a regulated product to lease land from an owner or tenant for the production of the regulated product and the terms and conditions of lease that shall apply in respect of the leasing of any such land.

(3) Subsection 7 of the said section 8, as enacted by the Statutes of Ontario, 1972, chapter 156, section 1, is repealed and the following substituted therefor: s. 8 (7),  
re-enacted

(7) Everything that is done by a local board under the authority of paragraph 13 or 13b of subsection 1 shall be Acts of  
local board  
deemed  
Adminis-  
trative



deemed to be of an administrative and not of a legislative nature.

s. 12,  
re-enacted

**5.** Section 12 of the said Act is repealed and the following substituted therefor:

Producer-  
processor

12.—(1) Any person who is a producer and a processor of a regulated product is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and a processor.

Idem

(2) Any person who is a producer and a processor of a regulated product shall be deemed to have received in his capacity as a processor from himself in his capacity as a producer the regulated product produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the sale thereof upon the condition that the regulations, orders, directions, agreements and awards and the renegotiated agreements and awards made under this Act apply.

Producer  
deemed to  
be a  
producer-  
processor

(3) Where a producer or producers, by himself or themselves, or through a corporation of which he or they are members or shareholders, or through an agent, arrange for the processing, on his or their account, by a processor, of any regulated product produced by him or them, he or they shall be deemed to be a producer and processor or producers and processors for the purposes of subsections 1 and 2.

Producer  
and person  
marketing  
regulated  
product

(4) Any person who is a producer and a person engaged in marketing a regulated product is entitled in his respective capacities as a producer and as a person engaged in marketing the regulated product to all the rights and privileges and is subject to all the duties and obligations of a producer and a person engaged in marketing the regulated product.

Idem

(5) Any person who is a producer and a person engaged in marketing a regulated product shall be deemed to have received in his capacity as a person engaged in marketing the regulated product from himself in his capacity as a producer the regulated product produced by him that he engages in marketing and to have contracted in that capacity with himself in his capacity as a producer for the sale thereof upon the condition that the regulations, orders, directions, agreements and awards and the renegotiated agreements and awards made under this Act apply.

(6) Where a producer or producers, by himself or themselves, or through a corporation of which he or they are members or shareholders, or through an agent, arrange for the marketing, on his or their account, by a person engaged in marketing, of any regulated product produced by him or them, he or they shall be deemed to be a producer and person engaged in marketing or producers and persons engaged in marketing for the purposes of subsections 4 and 5.

Producer  
deemed to  
be person  
marketing  
regulated  
product

6. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
7. The short title of this Act is *The Farm Products Marketing Amendment Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 10 1977

ASSEMBLY PROROGUED DECEMBER 16 1977

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY

An Act to amend  
The Farm Products Marketing Act

---

*1st Reading*

November 15th, 1977

*2nd Reading*

December 6th, 1977

*3rd Reading*

December 9th, 1977

---

THE HON. W. NEWMAN  
Minister of Agriculture and Food

---

*Passed in the House of Commons*

**BILL 103**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Milk Act**

---

THE HON. W. NEWMAN  
Minister of Agriculture and Food

---





BILL 103

1977

## An Act to amend The Milk Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 15 of section 1 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1, par. 15,  
re-enacted

15. "marketing" includes advertising, assembling, buying, distributing, financing, offering for sale, packing, processing, selling, shipping, storing and transporting and "market" and "marketed" have corresponding meanings.

2. Section 11 of the said Act is amended by adding thereto the following subsection: s. 11,  
amended

(3) Where a producer or producers, by himself or them- Idem  
selves, or through a corporation of which he or they are members or shareholders, or through an agent, arrange for the distributing, on his or their account, by a distributor of any milk produced by him or them, he or they shall be deemed to be a producer and distributor or producers and distributors for the purposes of subsections 1 and 2.

3. Section 12 of the said Act is amended by adding thereto the following subsection: s. 12,  
amended

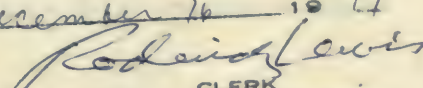
(3) Where a producer or producers, by himself or them- Idem  
selves, or through a corporation of which he or they are members or shareholders, or through an agent, arrange for the processing, on his or their account, by a processor, of any milk produced by him or them, he or they shall be deemed to be a producer and processor or producers and processors for the purposes of subsections 1 and 2.

4. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

5. The short title of this Act is *The Milk Amendment Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 16 1977

ASSEMBLY PROROGUED December 16 1977

  
CLERK  
LEGISLATIVE ASSEMBLY

An Act to amend  
The Milk Act

---

*1st Reading*

November 15th, 1977

*2nd Reading*

December 6th, 1977

*3rd Reading*

December 9th, 1977

---

THE HON. W. NEWMAN  
Minister of Agriculture and Food

---

*Pauline G. G. S. H.*  
BILL 107

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Highway Traffic Act**

---

THE HON. J. W. SNOW  
Minister of Transportation and Communications

---





BILL 107

1977

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part VI of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 45, sections 21, 23 and 24, 1974, chapter 123, sections 17, 18 and 19, 1974, chapter 130, section 1, 1975 (2nd Session), chapter 6, section 8 and 1976, chapter 37, sections 8, 9 and 10, is repealed and the following substituted therefor:
 

Part VI  
(ss. 64-70a),  
re-enacted

### PART VI

#### LOAD AND DIMENSIONS

64. In this Part,

Interpre-  
tation

- (a) "over-dimensional farm vehicle" means a farm tractor, self-propelled implement of husbandry, implement of husbandry, or any combination of them, having a weight, width, length or height in excess of the limits provided in this Part or Part VII;
- (b) "semi-trailer" means a trailer designed to be operated with the forward part of its body or chassis resting upon the body or chassis of a towing vehicle.

65.—(1) Subject to section 66, no vehicle shall have a greater width than 102 inches while on a highway except,
 

Width of  
vehicle

- (a) traction engines, which may have a total width not exceeding 110 inches; or
- (b) motor vehicles and road maintenance machines, operated by or on behalf of a municipality or other authority having jurisdiction and control of a

highway, where such vehicles are engaged in road maintenance, including the removal of snow from highway.

Width of  
load

(2) Subject to section 66, no load on a vehicle shall have a greater width than 102 inches while on a highway except,

(a) loads of raw forest products which shall not exceed a total width of 102 inches at point of origin and which shall not exceed a total width of 110 inches at any time during transit; or

(b) loads of loose fodder.

Rear vision  
mirrors and  
lamps not  
included

(3) Where a commercial motor vehicle is equipped with one or more rear vision mirrors that extend in whole or in part beyond either side of the vehicle, or one or more lamps, required by this Act, that extend in whole or in part beyond either side of the vehicle, the amount of such extension shall not be included in determining the maximum width of the vehicle under subsection 1.

Load  
covering  
mechanism  
not included  
in width

(4) Where a commercial motor vehicle or trailer is equipped with a load covering mechanism, extensions in the width of such vehicle caused by the mechanism shall not be included in determining the width of the vehicle under subsection 1 where the mechanism does not extend the width of the vehicle on either side by more than four inches.

Length of  
vehicle or  
combination

(5) Subject to section 66, no vehicle, other than a fire apparatus, a semi-trailer, or a bus, including load, shall exceed the length of 35 feet while on a highway, and no combination of vehicles, including load, coupled together shall exceed the total length of 68 feet 10 inches while on a highway.

Length of  
semi-  
trailer

(6) Subject to section 66, no semi-trailer, other than a semi-trailer designed for the carriage of vehicles, shall exceed the length of 45 feet while on a highway and any extension in the length of a semi-trailer caused by auxiliary equipment or machinery that is not designed for the transportation of goods shall not be included in determining the length thereof.

Length  
of bus

(7) No bus shall exceed the length of 40 feet while on a highway, but an increase in the length of a bus caused by the addition of a liquid filled or other energy-absorbing bumper shall not be included in determining the length of the bus.



(8) The council of a city may by by-law prohibit the operation of a combination of vehicles having a total length, including load, in excess of 50 feet while on a highway or a portion thereof under its jurisdiction designated in the by-law. Restricting length of combination of vehicles

(9) Subject to section 66, no vehicle including load, shall have a greater height than 13 feet 6 inches while on a highway. Height of vehicle

(10) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and, in addition, the permit issued for the vehicle under section 6 may be suspended for not more than six months. Penalty

66.—(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the dimensional limits set out in section 65 or the weight limits set out in Part VII. Permits

(2) The permit referred to in subsection 1 may be general, or may limit the time and the particular highway that may be used, and may contain conditions relating to the protection of persons and property from injury or damage and the municipal corporation or other authority may require a bond or other security sufficient to cover the cost of repairing any possible damage to the highway. Permits, general or limited

(3) The council of any municipality may, by by-law, provide that a permit referred to in subsection 1 may be issued by an officer of the corporation named therein. Who may issue

(4) In the case of a vehicle for which a permit is required under this section in order to pass over a highway or highways under the jurisdiction of two or more municipalities or other authorities, the permit so to do may be issued by the Ministry, which permit is in lieu of the several permits to be otherwise obtained from the municipal corporations or other authorities, and the permit may limit the time and the particular highway or highways that may be used, and may contain any special conditions or provisions that may be considered necessary to protect the highways from damage, and the Ministry may require a bond or other security sufficient to cover the cost of repairing possible damage to the highway. Issue of permit by Ministry



Responsi-  
bility for  
damages  
caused to  
highway

(5) The owner, operator or mover of a heavy vehicle load, object or structure in respect of which a permit is granted under this section is nevertheless responsible for all damages that may be caused to the highway by reason of the driving, operating or moving of any such heavy vehicle load, object or structure.

Condition  
of permit

(6) It is a condition of every permit issued under this section that the original of the permit be carried in the vehicle for which the permit was issued and be produced when demanded by a police officer or an officer appointed for carrying out the provisions of this Act.

Penalty

(7) Every person who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of the permit is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and, in addition, if the condition contravened is in respect of any weight allowed under the permit, a fine shall be imposed as if the person had not been issued a permit under this section and had been convicted of an offence under section 72, 73 or 74 in respect of any gross vehicle weight, axle unit weight or axle group weight in excess of the maximum allowable weights permitted under this Act or the regulations.

Over-  
hanging  
load

67.—(1) Every vehicle carrying a load which overhangs the rear of the vehicle to the extent of 4 feet 10 inches or more while on a highway shall display upon such overhanging load at the extreme rear end thereof at any time from one-half hour after sunset to one-half hour before sunrise, or at any other time when there is insufficient light or unfavourable atmospheric conditions, a red light, and at all other times a red flag or a red marker sufficient to indicate the projection of the load.

Loading of  
commercial  
vehicle, etc.

(2) No person shall operate or permit to be operated upon a highway any commercial motor vehicle or trailer unless the load that the vehicle or trailer is carrying is firmly bound, sufficiently covered, or otherwise secured or loaded, in such manner that no portion of the load may become dislodged or fall from the commercial motor vehicle or trailer.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) prescribing the manner of loading, and of covering and securing loads on vehicles or classes of vehicles operated on highways or classes of highways;

- (b) designating the vehicles or classes of vehicles and the highways or classes of highways to which any loading, covering or securing provisions are to apply; and
- (c) prescribing classes of vehicles, highways and loads for the purposes of clauses *a* and *b*.

(4) Every person who contravenes any of the provisions of this section or of a regulation made under subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100 and, in addition, his driver's licence issued under section 13 and his permit issued under section 6 may be suspended for a period of not more than sixty days. Penalty

68.—(1) The Lieutenant Governor in Council may make regulations, Regulations re carriage of explosives, etc.

- (a) classifying and defining explosives and dangerous materials;
- (b) regulating or prohibiting the transportation of explosives and dangerous materials or any class thereof by a vehicle on a highway;
- (c) regulating the preparation and packaging of explosives and dangerous materials or any class thereof to be transported by a vehicle on a highway; and
- (d) requiring the labelling of packages and containers of explosives and dangerous materials or any class thereof and prescribing the labels to be attached to such packages and containers.

(2) Any regulation made under subsection 1 may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary any code or standard, or any regulation made by the Government of Canada, and may require compliance with any code, standard or regulation that is so adopted. Code, etc., may be adopted by reference

(3) Every person who contravenes any of the provisions of a regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than three months, or to both. Penalty



Over-  
dimensional  
farm  
vehicles  
exempt

69.—(1) The provisions of this Part, other than regulation made under this section, do not apply to over-dimensional farm vehicles.

Regulations

(2) The Lieutenant Governor in Council may make regulations,

- (a) regulating or prohibiting the movement of over-dimensional farm vehicles or classes thereof on a highway or on classes of highways;
- (b) requiring that escort vehicles or classes of escort vehicles accompany over-dimensional farm vehicles or classes thereof on a highway or classes of highways;
- (c) prescribing the types, specifications and locations of markings, signs and lights that shall be carried by over-dimensional farm vehicles and escort vehicles or classes of either or both of them on a highway or classes of highways;
- (d) prescribing conditions for the movement of over-dimensional farm vehicles on a highway or classes of highways relating to the protection of persons and property from injury or damage.

s. 65 (1, 2, 5, 6,  
7, 9),  
re-enacted

2. On the 1st day of April, 1978, subsections 1, 2, 5, 6, 7 and 9 of section 65 of *The Highway Traffic Act*, as re-enacted by section 1 of this Act, are repealed and the following substituted therefor:

Width of  
vehicle

(1) Subject to section 66, no vehicle shall have a greater width than 102-23/64 inches while on a highway except,

- (a) traction engines, which may have a total width not exceeding 110-15/64 inches; or
- (b) motor vehicles and road maintenance machines, operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where such vehicles are engaged in road maintenance, including the removal of snow from a highway.

Width of  
load

(2) Subject to section 66, no load on a vehicle shall have a greater width than 102-23/64 inches while on a highway except,

(a) loads of raw forest products which shall not exceed a total width of 102-23/64 inches at point of origin and which shall not exceed a total width of 110-15/64 inches at any time during transit; or

(b) loads of loose fodder.

(5) Subject to section 66, no vehicle, other than a fire apparatus, a semi-trailer, or a bus, including load, shall exceed the length of 36 feet 1-1/16 inches while on a highway, and no combination of vehicles, including load, coupled together shall exceed the total length of 68 feet 10-49/64 inches while on a highway. Length of vehicle or combination

(6) Subject to section 66, no semi-trailer, other than a semi-trailer designed for the carriage of vehicles, shall exceed the length of 45 feet 11-11/64 inches while on a highway and any extension in the length of a semi-trailer caused by auxiliary equipment or machinery that is not designed for the transportation of goods shall not be included in determining the length thereof. Length of semi-trailer

(7) No bus shall exceed the length of 41 feet 1/8 inch while on a highway, but an increase in the length of a bus caused by the addition of a liquid filled or other energy-absorbing bumper shall not be included in determining the length of the bus. Length of bus

(9) Subject to section 66, no vehicle including load, shall have a greater height than 13 feet 7 3/8 inches while on a highway. Height of vehicle

3. Part VII of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 25, 26, 27 and 28, 1974, chapter 123, section 20, 1974, chapter 130, section 2 and 1976, chapter 37, sections 11 and 12, and 1977, chapter 1, section 1, is repealed and the following substituted therefor: Part VII (ss. 71-81), re-enacted

## PART VII

### WEIGHT

70.—(1) In this Part,

Interpretation

- (a) "axle" means an assembly of two or more wheels whose centres are in one transverse vertical plane and which are transmitting weight to the highway;



- (b) "axle group weight" means that part of the gross vehicle weight in pounds transmitted to the highway by a two axle group, three axle group or four axle group;
- (c) "axle unit" means any single axle, dual axle or triple axle;
- (d) "axle unit weight" means that part of the gross vehicle weight in pounds transmitted to the highway by an axle unit;
- (e) "Class A Highway" means a highway designated as such by the Minister;
- (f) "Class B Highway" means a highway not designated by the Minister as a Class A Highway;
- (g) "dual axle" means any two consecutive axles whose centres are more than 39.5 inches apart and that,
  - (i) are articulated from a common attachment to the vehicle, or
  - (ii) are designed to automatically equalize the load between the two axles;
- (h) "four axle group" means four consecutive axles, not including the front axle of a motor vehicle,
  - (i) that are entirely within either a motor vehicle or trailer or semi-trailer, and
  - (ii) in which the spacings between the consecutive axles do not exceed 98.5 inches;
- (i) "front axle" means the front axle unit of a motor vehicle;
- (j) "gross vehicle weight" means the total weight in pounds transmitted to the highway by a vehicle, or combination of vehicles, and load;
- (k) "over-dimensional farm vehicles" means the same as it does in Part VI;
- (l) "semi-trailer" means the same as it does in Part VI;
- (m) "single axle" means one or more axles whose centres are included between two parallel transverse vertical planes 39.5 inches apart;

- (n) "tank-truck" means a commercial motor vehicle to which there is attached or upon which there has been placed either permanently or otherwise a closed tank having a capacity of 500 gallons or more;
- (o) "three axle group" means three consecutive axles, not including the front axle of a motor vehicle,
- (i) that do not form a triple axle within the meaning of clause *p*,
  - (ii) that are entirely within either a motor vehicle or trailer or semi-trailer,
  - (iii) in which the spacings between the consecutive axles do not exceed 98.5 inches, and
  - (iv) which are not included in a four axle group within the meaning of clause *h*;
- (p) "triple axle" means any three consecutive axles that,
- (i) have their consecutive centres equally spaced, and
  - (ii) have their consecutive centres more than 39.5 inches apart,
- and that,
- (iii) are articulated from an attachment to the vehicle common to the consecutive axles, or
  - (iv) are designed to automatically equalize the load between the three axles under all conditions of loading;
- (q) "two axle group" means two consecutive single axles, not including the front axle of a motor vehicle,
- (i) that are entirely within either a motor vehicle or trailer or semi-trailer,
  - (ii) in which the spacing between the consecutive axles is less than 78.5 inches, and

- (iii) which are not included in a three axle group within the meaning of clause *o* or a four axle group within the meaning of clause *h*.

Designation  
by Minister

(2) The Minister may designate a highway as a Class A Highway.

Over-  
dimensional  
farm  
vehicles

(3) The provisions of this Part do not apply to over-dimensional farm vehicles.

Consecutive  
axles

(4) Where three consecutive axles that are articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause *p* of subsection 1 because their consecutive centres are not equally spaced, that one of the three consecutive axles that is most remote from the centre axle of the consecutive axles shall be deemed to be a single axle and the other two axles shall be deemed to be a dual axle.

Idem

(5) Where three consecutive axles that are not articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of clause *p* of subsection 1 because their consecutive centres are not equally spaced, any two of the axles that are articulated from an attachment to the vehicle common to the two axles shall be deemed to be a dual axle and the third of the three axles shall be deemed to be a single axle.

Spacing  
between  
axles

(6) The spacing between axles is the shortest distance between the centre of rotation of one axle and the centre of rotation of the other.

Axle  
spacing  
distance

(7) For the purposes of Tables 1 and 2, the axle spacing is the distance measured between the outer axles forming an axle unit.

Idem

(8) For the purposes of Tables 3, 4 and 5, the axle group spacing is the distance measured between the outer axles forming a two axle group, three axle group or four axle group.

Restrictions  
as to weight  
on tires

71.—(1) Subject to section 66, no vehicle,

- (a) equipped with tires of less than 5.9 inches in width where the weight upon any inch in the width of the tire exceeds 504 pounds; or



- (b) equipped with tires of 5.9 inches or more in width where the weight upon any inch in the width of the tire exceeds 616 pounds,

shall be operated on a highway.

- (2) For the purpose of this section, where a tire width has been marked thereon by the manufacturer, the width of the tire shall be deemed to be as so marked. How tire width ascertained

72.—(1) Subject to section 66, no vehicle or combination of vehicles, unless exempted under the regulations, shall be operated on a Class A Highway where the axle unit weight on an axle unit, whether or not part of any axle group, exceeds, Maximum allowable axle unit weights

- (a) for a single axle with single tires, 19,800 pounds;
- (b) for a single axle with dual tires, 22,000 pounds;
- (c) for a dual axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 1; or
- (d) for a triple axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 2.

- (2) Notwithstanding subsection 1, the maximum allowable axle unit weight for a dual axle shall not exceed 39,600 pounds unless the axle is equipped with dual tires. Restriction of weights allowed under subs. 1

- (3) Notwithstanding subsection 1, the maximum allowable axle unit weight for a triple axle shall not exceed 59,400 pounds unless the axle is equipped with dual tires. Idem

- (4) Subject to subsection 1, the maximum allowable axle unit weight for a single front axle shall not exceed 11,000 pounds unless the driver of a vehicle or combination of vehicles produces verification in writing as to the manufacturer's gross axle weight rating for such single front axle, and in such case the maximum allowable axle unit weight on such single front axle shall not exceed the manufacturer's gross axle weight rating. Idem

73. Subject to section 66, no vehicle or combination of vehicles, unless exempted under the regulations, shall be operated on a Class A Highway where any axle group weight exceeds, Maximum allowable axle group weights



- (a) for a two axle group, that weight shown in Column 2 opposite the corresponding axle group spacing shown in Column 1 of Table 3;
- (b) for a three axle group, that weight shown in Column 2 opposite the corresponding axle group spacing shown in Column 1 of Table 4; or
- (c) for a four axle group, that weight shown in Column 2 opposite the corresponding axle group spacing shown in Column 1 of Table 5.

Maximum  
allowable  
gross  
vehicle  
weights

74.—(1) Subject to section 66, no vehicle or combination of vehicles, unless exempted under the regulations, shall be operated on a Class A Highway where the gross vehicle weight exceeds the least of,

- (a) the axle unit weight on the front axle, not exceeding the maximum weight permitted on such axle under section 72, plus the sum of the maximum allowable weights for all other axle units of the vehicle or combination of vehicles as set out in section 72;
- (b) the axle unit weight on the front axle, not exceeding the maximum weight permitted on such axle under section 72, plus the sum of the maximum allowable weights for any two axle groups, three axle groups or four axle groups, or any combination thereof, as set out in section 73, plus the maximum allowable weight for any axle unit or units excluding the front axle and excluding any axle unit or units which are part of an axle group as set out in section 72; or
- (c) that weight prescribed in the regulations.

Exception  
to subs. 1

(2) Where the weight permitted under clause *c* of subsection 1 is the least and where the weight permitted for a vehicle or combination of vehicles under this subsection as it existed on the 31st day of December, 1977 exceeds by 1,000 pounds or more the weight permitted under subsection 1 or or after the 1st day of January, 1978, the Minister may grant a special gross vehicle weight authority permitting the vehicle or combination of vehicles to operate on a Class A Highway at the gross vehicle weight set out in the authority but no authority issued under this subsection shall permit a gross vehicle weight in excess of 140,000 pounds.

Where  
subs. 2  
does not  
apply

(3) Subsection 2 does not apply,

- (a) in respect of a single commercial motor vehicle, other than a tractor, which was manufactured after the 31st day of March, 1978; or
- (b) in respect of a combination of a tractor and other vehicles, the vehicle directly attached to the tractor, which was manufactured after the 31st day of March, 1978.

(4) An application for an authority under subsection 2 shall be made in accordance with the terms and conditions prescribed by regulation and shall be made not later than the 30th day of June, 1978. Application for authority

(5) The driver of a vehicle or combination of vehicles being operated on a highway under an authority issued pursuant to subsection 2 shall produce, when demanded by a police officer or an officer appointed for carrying out the provisions of this Act, the authority or a true copy thereof. Driver to produce authority

(6) Every person who operates or permits the operation of a vehicle or combination of vehicles under an authority issued pursuant to subsection 2 where the gross vehicle weight exceeds the gross vehicle weight permitted by the authority is guilty of an offence and on summary conviction a fine shall be imposed as if the person had not been issued the authority and had been convicted of an offence under subsection 1 in respect of any gross vehicle weight in excess of the weight permitted under subsection 1. Penalty

(7) Where a vehicle or combination of vehicles for which an authority is issued pursuant to subsection 2 is operated upon a highway while the weight on the front axle of the vehicle or combination of vehicles varies by more than 1,000 pounds from the weight specified for the front axle on the authority, then the authority shall be deemed not to apply. Where authority does not apply

(8) An authority issued under subsection 2 expires with the 31st day of December, 1986. Expiry of authority

(9) The Lieutenant Governor in Council may make regulations prescribing, Regulations

- (a) the manner in which an application may be submitted and the information to be provided;
- (b) the conditions precedent to the issuance of an authority pursuant to this section;



- (c) conditions attaching to an authority issued pursuant to this section;
- (d) fees for processing applications; and
- (e) the gross vehicle weights to be set out in any authority issued pursuant to this section and the method of calculating such weight.

Raw forest  
products  
allowance  
during  
freeze-up

75.—(1) Notwithstanding sections 72, 73, 74 and subsection 1 of section 77, during freeze-up the maximum allowable gross vehicle weight for a vehicle or combination of vehicles, while used exclusively for the transportation of raw forest products, shall be 110 per cent of that weight for which a permit has been issued for the vehicle or combination of vehicles in accordance with section 6, provided no axle unit weight, axle group weight or gross vehicle weight exceeds by more than 10 per cent that weight prescribed in this Act or the regulations for such vehicle or combination of vehicles.

Designated  
by  
Minister

(2) For the purposes of this section, the Minister may designate by regulation the date on which a "freeze-up" shall commence and the date on which a "freeze-up" shall terminate.

Prohibition

(3) No vehicle or combination of vehicles having a weight in excess of that authorized in subsection 1 shall be operated on a highway.

Prohibition  
re operation  
on Class B  
Highway

76. Subject to section 66, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 18,000 pounds, or, if the axles are spaced less than 7 feet 10 inches apart, where the weight upon one axle exceeds 12,100 pounds.

Operating  
within  
permitted  
weight  
R.S.O. 1970,  
c. 392

77.—(1) Subject to subsection 1 of section 16 of *The Public Vehicles Act*, no vehicle or combination of vehicles having a permit issued in accordance with section 6 of this Act, the fee for which is based upon gross vehicle weight, shall be operated on any highway where the gross vehicle weight exceeds that for which the permit was issued.

Permit to  
be carried re  
commercial  
motor  
vehicle

(2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever the vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a police officer or an officer appointed for carrying out

the provisions of this Act or *The Public Commercial Vehicles Act*. R.S.O. 1970,  
c. 375

(3) Notwithstanding subsection 1 and subject to sections 72, 73 and 74, where a conversion unit is used to convert a two axle tractor into a three axle tractor and the fee prescribed in the regulations in respect of the conversion unit is paid, the vehicle or combination of vehicles to which the conversion unit is attached may operate on a highway at a maximum gross vehicle weight of 15,400 pounds in excess of the gross vehicle weight for which a permit was issued for the vehicle or combination of vehicles in accordance with section 6 and the Ministry shall issue a receipt for the fee so prescribed and paid. Exception  
to subs. 1

(4) The receipt issued by the Ministry in accordance with subsection 3 shall, whenever a vehicle is on a highway with the conversion unit referred to in subsection 3 attached, be carried by the driver of the vehicle or placed in some readily accessible position in the vehicle and shall be produced when demanded by a police officer or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*. Receipt re  
excess  
weight  
payment to  
be carried

(5) Subject to section 66, during the months of March and April no commercial motor vehicle or trailer, other than a public vehicle, or a two axle tank-truck or two axle truck while either is used as referred to in subsection 6, shall be operated or drawn on any portion of the King's Highway to which the provisions of this subsection are declared applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town, where any axle of such commercial motor vehicle or trailer transmits to the highway a weight in excess of 11,000 pounds, and the Lieutenant Governor in Council may declare this subsection to apply. Weight of  
load during  
March and  
April

(6) Subject to section 66, during the months of March and April no two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel, and no two axle truck, while used exclusively for the transportation of live stock feed, shall be operated on any portion of the King's Highway to which the provisions of subsection 5 are declared applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town, where any axle transmits to the highway a weight in excess of 16,500 pounds. Idem

(7) Subject to section 66, during the months of March and April no vehicle having a carrying capacity in excess Idem



of 2,200 pounds, other than a motor vehicle or trailer, shall be operated on any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town, where the weight upon any inch in the width of tire exceeds 280 pounds, and the Lieutenant Governor in Council may declare this subsection to apply.

Vehicles  
exempt from  
provisions  
of subss. 5, 7

(8) Subsections 5 and 7 do not apply to,

(a) a vehicle operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where such vehicle is engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the stockpiling of abrasives or chemicals for use on a highway, or engaged in the removal of snow from a highway; or

(b) vehicles used exclusively for the transportation of milk.

Extension of  
period on  
King's  
Highway,  
etc.

(9) In the case of the King's Highway and highways in territory without municipal organization, the Lieutenant Governor in Council may declare the provisions of subsections 5, 7 and 13 to apply during any period of the year.

Extension of  
period by  
municipality

(10) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 5, 7 and 13 to apply to highways under its jurisdiction during any period of the year.

Regulations  
limiting  
weight  
passing  
over bridge

(11) The Lieutenant Governor in Council may make regulations limiting the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the King's Highway or a highway in territory without municipal organization and notice of the limit of the weights fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge.

By-laws  
limiting  
weight  
passing  
over bridge

(12) The municipal corporation or other authority having jurisdiction over a bridge may by by-law limit the gross vehicle weight of any vehicle or any class thereof passing over such bridge, and the requirements of subsection 11 with respect to the posting up of notice apply thereto.

Penalty

(13) Every person who contravenes any of the provisions of subsection 1, 5, 6 or 7 or of a regulation made under subsection 11 or a by-law made under section 12 is guilty

of an offence and on summary conviction is liable to a fine as if he had been convicted under section 79 and, in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the permit issued under section 6 for the vehicle or vehicles involved, and such suspension shall continue until a new permit at the maximum gross vehicle weight allowable has been issued for the vehicle or vehicles and the fee therefor has been paid.

78.—(1) Where a police officer or officer appointed for carrying out the provisions of this Act has reasonable and probable grounds to believe that the gross vehicle weight of a vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations or a permit issued for the vehicle or combination of vehicles, he may weigh the same, by means of either portable or stationary scales, and may require that the vehicle or combination of vehicles be driven to the nearest weigh scales.

Power of  
officer to  
have load  
weighed

(2) Subsection 1 does not apply where the driver of a commercial motor vehicle produces an inventory showing the true gross vehicle weight of the vehicle or combination of vehicles.

Production  
of  
inventory

(3) Where a police officer or officer appointed for carrying out the provisions of this Act has reasonable and probable grounds to question the validity of any documents produced in accordance with subsection 2, or to believe the axle unit weight or axle group weight of a vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations or a permit issued for the vehicle or combination of vehicles, he may weigh the same, by means of either portable or stationary scales, and may require that the vehicle or combination of vehicles be driven to the nearest weigh scales.

Power of  
officer to  
have load  
weighed

(4) To determine whether the gross vehicle weight, axle unit weight or axle group weight of any vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations or the permit issued for the vehicle or combination of vehicles, the police officer or officer appointed for carrying out the provisions of this Act may conduct such examination as is necessary to ascertain the distance between the axles of the vehicle or combination of vehicles.

Power of  
officer to  
measure  
axle space

(5) Where it is found that the gross vehicle weight of any vehicle or combination of vehicles is in excess of that permitted under this Act or the regulations or the permit issued for the vehicle or combination of vehicles, the police officer or officer appointed for carrying out the provisions of this

Power of  
officer to  
require part  
of load  
removed



Act may require the driver to remove so much of the load as is necessary to ensure compliance with this Act, the regulations and the permit.

Penalty

(6) Every driver who,

- (a) when required, pursuant to subsection 1 or 3, to proceed to a weighing machine refuses or fails to do so;
- (b) when required, pursuant to subsection 5, to remove part of a load refuses or fails to do so or to make arrangements to do so; or
- (c) obstructs any weighing, measuring or examination authorized by this section,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Penalty

79. Every person who contravenes any of the provisions of subsection 1 of section 71, sections 72, 73 and 74, subsection 3 of section 75 or section 76 is guilty of an offence and on summary conviction is liable to a fine of,

- (a) \$0.91 per hundredweight, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is less than 11,000 pounds, but in no case shall the fine be less than \$50;
- (b) \$1.82 per hundredweight, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 11,000 pounds or more but is less than 16,500 pounds;
- (c) \$2.73 per hundredweight, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 16,500 pounds or more but is less than 22,000 pounds;
- (d) \$3.64 per hundredweight, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 22,000 pounds or more but is less than 33,000 pounds; and

- (c) \$4.55 per hundredweight, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 33,000 pounds or more.

80. Every consignor of goods, or his agent or employee, <sup>Over-</sup>loading by <sup>consignor</sup> who causes a vehicle or combination of vehicles not owned by the consignor to be loaded,

- (a) knowing that so loaded the weight of the vehicle, or combination of vehicles, and load when operated on a highway exceeds the limits for weight in any of the provisions of subsection 1 of section 71, section 74 or 75, or in the regulations, or in a permit referred to in subsection 1 of section 77; and
- (b) intending that the vehicle or combination of vehicles so loaded be operated on a highway,

is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under section 79.

81. The Lieutenant Governor in Council may make regu- <sup>Regulations</sup>lations,

- (a) prescribing maximum allowable gross vehicle weights;
- (b) designating classes of vehicles which are exempt from the provisions of sections 72, 73 and 74 and prescribing the weights applicable for the vehicles so exempted; and
- (c) prescribing markings to be placed on vehicles.



TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR  
DUAL AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing (Inches)	Maximum Allowable Weight (Pounds)
39.5 to less than 47.0	34,000
47.0 to less than 51.0	37,000
51.0 to less than 55.0	37,900
55.0 to less than 59.0	38,600
59.0 to less than 63.0	39,500
63.0 to less than 67.0	40,300
67.0 to less than 71.0	41,200
71.0 or more	42,100

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR  
TRIPLE AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing (Inches)	Maximum Allowable Weight (Pounds)
78.5 to less than 94.5	43,000
94.5 to less than 110.0	47,000
110.0 to less than 114.0	47,800
114.0 to less than 118.0	48,500
118.0 to less than 122.0	49,400
122.0 to less than 126.0	50,000
126.0 to less than 130.0	50,900
130.0 to less than 134.0	51,600
134.0 to less than 138.0	52,500
138.0 to less than 141.5	53,100
141.5 to less than 145.5	53,800
145.5 to less than 149.5	54,700
149.5 to less than 153.5	55,300
153.5 to less than 157.7	56,200
157.5 to less than 161.5	56,900
161.5 to less than 165.5	57,800
165.5 to less than 169.5	58,400
169.5 to less than 173.0	59,300
173.0 to less than 177.0	60,000
177.0 to less than 181.0	60,800
181.0 to less than 185.0	61,500
185.0 to less than 189.0	62,400
189.0 or more	63,000

TABLE 3

MAXIMUM ALLOWABLE WEIGHT FOR  
TWO AXLE GROUP

COLUMN ONE	COLUMN TWO
Axle Group Spacing (Inches)	Maximum Allowable Weight (Pounds)
39.5 to less than 47.0	33,100
47.0 to less than 51.0	35,900
51.0 to less than 55.0	36,800
55.0 to less than 59.0	37,500
59.0 to less than 63.0	38,400
63.0 to less than 67.0	39,200
67.0 to less than 71.0	40,100
71.0 to less than 75.0	41,000
75.0 to less than 78.5	42,100

TABLE 4

MAXIMUM ALLOWABLE WEIGHT FOR  
THREE AXLE GROUP

COLUMN ONE	COLUMN TWO
Axle Group Spacing (Inches)	Maximum Allowable Weight (Pounds)
78.5 to less than 94.5	41,900
94.5 to less than 102.5	45,000
102.5 to less than 110.0	46,300
110.0 to less than 114.0	47,200
114.0 to less than 118.0	47,800
118.0 to less than 122.0	48,500
122.0 to less than 126.0	49,400
126.0 to less than 130.0	50,000
130.0 to less than 134.0	50,700
134.0 to less than 138.0	51,600
138.0 to less than 141.5	52,200
141.5 to less than 145.5	52,900
145.5 to less than 149.5	53,800
149.5 to less than 153.5	54,500
153.5 to less than 157.5	55,100
157.5 to less than 161.5	56,000
161.5 to less than 165.5	56,700
165.5 to less than 169.5	57,300
169.5 to less than 173.0	58,200
173.0 to less than 177.0	58,900
177.0 to less than 181.0	59,500
181.0 to less than 185.0	60,400
185.0 to less than 189.0	61,100
189.0 to less than 193.0	61,700
193.0 to less than 197.0	62,400
197.0 or more	63,000

TABLE 5

MAXIMUM ALLOWABLE WEIGHT FOR  
FOUR AXLE GROUP

COLUMN ONE	COLUMN TWO
Axle Group Spacing (Inches)	Maximum Allowable Weight (Pounds)
less than 141.5	51,800
141.5 to less than 145.5	52,700
145.5 to less than 149.5	53,400
149.5 to less than 153.5	54,200
153.5 to less than 157.5	54,900
157.5 to less than 161.5	55,800
161.5 to less than 165.5	56,700
165.5 to less than 169.5	57,300
169.5 to less than 173.0	58,200
173.0 to less than 177.0	58,900
177.0 to less than 181.0	59,700
181.0 to less than 185.0	60,600
185.0 to less than 189.0	61,300
189.0 to less than 193.0	62,200
193.0 to less than 197.0	62,800
197.0 to less than 201.0	63,700
201.0 to less than 204.5	64,600
204.5 to less than 208.5	65,300
208.5 to less than 212.5	66,100
212.5 to less than 216.5	66,800
216.5 to less than 220.5	67,700
220.5 to less than 224.5	68,600
224.5 to less than 228.5	69,200
228.5 to less than 232.5	70,100
232.5 to less than 236.0	70,800
236.0 to less than 240.0	71,600
240.0 to less than 244.0	72,500
244.0 to less than 248.0	73,200
248.0 to less than 252.0	74,100
252.0 to less than 256.0	74,700
256.0 to less than 260.0	75,600
260.0 to less than 264.0	76,500
264.0 to less than 267.5	77,200
267.5 to less than 271.5	78,000
271.5 to less than 275.5	78,700
275.5 to less than 279.5	79,600
279.5 to less than 283.5	80,500
283.5 to less than 287.5	81,100
287.5 to less than 291.5	82,000
291.5 to less than 295.5	82,900
295.5 or more	83,800

4.—(1) This Act, except subsection 4 of section 72 as re-enacted by section 3, comes into force on the 1st day of January, 1978. <sup>Commence-  
ment</sup>

(2) Subsection 4 of section 72, as re-enacted by section 3, <sup>Idem</sup> comes into force on the 1st day of July, 1978.

5. The short title of this Act is *The Highway Traffic Amendment Act, 1977*. <sup>Short title</sup>

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*

CLERK

LEGISLATIVE ASSEMBLY







An Act to amend  
The Highway Traffic Act

---

*1st Reading*

November 17th, 1977.

*2nd Reading*

December 13th, 1977

*3rd Reading*

December 13th, 1977

---

THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

---

*Submitted in Leg. Day S. 111*

**BILL 111**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to provide for Municipal Hydro-Electric Service  
in the County of Oxford**

---

THE HON. J. A. TAYLOR  
Minister of Energy

---





BILL 111

1977

**An Act to provide for  
Municipal Hydro-Electric Service  
in the County of Oxford**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

(a) "accumulated net retail equity" means the portion of the equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(b) "area municipality" has the same meaning as in *The County of Oxford Act, 1974*;

1974, c. 57

(c) "County" has the same meaning as in *The County of Oxford Act, 1974*;

(d) "County Council" has the same meaning as in *The County of Oxford Act, 1974*;

(e) "electrical service area" means an area supplied with retail power by a commission established by section 2;

(f) "hydro-electric commission" means,

(i) a hydro-electric commission or public utility commission or public utilities commission entrusted with the control and management of works for the retail supply of power and established or deemed to be established under Part III of *The Public Utilities Act*, and

R.S.O. 1970,  
c. 390

(ii) a committee of the council of a municipality entrusted with the control and management of works for the retail supply of power on the 31st day of December, 1974;

(g) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(h) "power" means electrical power and includes electrical energy;

(i) "regulations" means the regulations made under this Act;

(j) "retail distribution facilities" means works for the transmission and supply of power at voltages less than 50 kilovolts other than works located within a transformer station that transforms power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Com-  
missions  
established

R.S.O. 1970,  
c. 390, 354

2.—(1) On the day this Act comes into force, a hydro-electric commission for each of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg, the Township of Blandford-Blenheim, the Township of East Zorra-Tavistock, the Township of Norwich, the Township of South-West Oxford and the Township of Zorra is hereby established, and each commission shall be deemed to be a commission established under Part III of *The Public Utilities Act*, and a municipal commission within the meaning of *The Power Corporation Act*.

Com-  
position,  
Woodstock  
Public  
Utility  
Commission

1972, c. 95

(2) The commission for the City of Woodstock established by subsection 1 shall be known as the Woodstock Public Utility Commission and shall consist of the mayor of the City of Woodstock and four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Woodstock.

Idem.  
Ingersoll  
Public  
Utility  
Commission

(3) The commission for the Town of Ingersoll established by subsection 1 shall be known as the Ingersoll Public Utility Commission and shall consist of the mayor of the Town of Ingersoll and four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the Town of Ingersoll.

Idem.  
Tillsonburg  
Public  
Utility  
Commission

(4) The commission established for the Town of Tillsonburg by subsection 1 shall be known as the Tillsonburg Public Utility Commission and shall consist of the mayor of the Town of Tillsonburg and four additional members who are

qualified electors under *The Municipal Elections Act, 1972* in 1972, c. 95  
the Town of Tillsonburg.

(5) The commission established for the Township of Blandford-Blenheim by subsection 1 shall be known as the Blandford-Blenheim Public Utility Commission and shall consist of the mayor of the Township of Blandford-Blenheim and four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the Township of Blandford-Blenheim,

Idem,  
Blandford-  
Blenheim  
Public  
Utility  
Commission

- (a) one of whom is a customer of the commission in the electrical service area commonly known as Drumbo;
- (b) one of whom is a customer of the commission in the electrical service area commonly known as Plattsville;
- (c) one of whom is a customer of the commission in the electrical service area commonly known as Princeton; and
- (d) one of whom is a customer of the commission in one of the electrical service areas commonly known as Drumbo, Plattsville and Princeton.

(6) The commission established for the Township of East Zorra-Tavistock by subsection 1 shall be known as the East Zorra-Tavistock Public Utility Commission and shall consist of the mayor of the Township of East Zorra-Tavistock and two additional members who are qualified electors under *The Municipal Elections Act, 1972* in the Township of East Zorra-Tavistock and who are customers of the commission.

Idem,  
East Zorra-  
Tavistock  
Public  
Utility  
Commission

(7) The commission established for the Township of Norwich by subsection 1 shall be known as the Norwich Public Utility Commission and shall consist of the mayor of the Township of Norwich and four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the Township of Norwich,

Idem,  
Norwich  
Public  
Utility  
Commission

- (a) one of whom is a customer of the commission in the electrical service area commonly known as Burgessville;
- (b) two of whom are customers of the commission in the electrical service area commonly known as Norwich; and



- (c) one of whom is a customer of the commission in the electrical service area commonly known as Otterville.

Idem.  
South-West  
Oxford  
Public  
Utility  
Commission

1972, c. 95

(8) The commission established for the Township of South-West Oxford by subsection 1 shall be known as the South-West Oxford Public Utility Commission and shall consist of the mayor of the Township of South-West Oxford and two additional members who are qualified electors under *The Municipal Elections Act, 1972* in the Township of South-West Oxford and who are customers of the commission.

Idem.  
Zorra Public  
Utility  
Commission

(9) The commission established for the Township of Zorra by subsection 1 shall be known as the Zorra Public Utility Commission and shall consist of the mayor of the Township of Zorra and four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the Township of Zorra,

- (a) two of whom are customers of the commission in the electrical service area commonly known as Embro; and
- (b) two of whom are customers of the commission in the electrical service area commonly known as Thamesford.

Additional  
members of  
first com-  
missions

(10) For the term expiring with the 31st day of December, 1978, the additional members,

- (a) of the Ingersoll Public Utility Commission established by subsection 1 shall be,
  - (i) the two members who are not *ex officio* members of the Ingersoll Public Utilities Commission immediately before the coming into force of this Act, and
  - (ii) two persons appointed by the council of the Town of Ingersoll;
- (b) of the Tillsonburg Public Utility Commission established by subsection 1 shall be the members, other than the mayor, of the Tillsonburg Public Utilities Commission immediately before the coming into force of this Act; and
- (c) of the Woodstock Public Utility Commission established by subsection 1 shall be the members, other than the mayor, of the Woodstock Public

Utilities Commission immediately before the coming into force of this Act.

(11) For the term expiring with the 31st day of December, 1978, the additional members of each of the Blandford-Blenheim Public Utility Commission, the East Zorra-Tavistock Public Utility Commission, the Norwich Public Utility Commission, the South-West Oxford Public Utility Commission and the Zorra Public Utility Commission, established under subsection 1, shall be appointed by the council of the area municipality served by each such commission from the members of the hydro-electric commissions that serve the area municipality immediately before the coming into force of this Act. Idem

(12) For terms commencing after the 31st day of December, 1978, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1978, the council of the area municipality provides by by-law that the additional members shall be appointed by the council. Additional members of subsequent commissions

(13) Members of the council of an area municipality served by a commission established by subsection 1 may be appointed as members of the commission, but the members of the council shall not form a majority of the commission. Eligibility of members of council

(14) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed. Term of office

(15) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. Delegates

(16) The salaries of the members of the commissions established by subsection 1 for the term expiring with the 31st day of December, 1978 shall be fixed on or before the 1st day of April, 1978 in an amount that does not exceed the highest salary paid to members of hydro-electric commissions operating in the County of Oxford on the 1st day of September, 1977. Salary of first commissions

(17) A resignation from the council of a member of a council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the commission and the council. Resignation



Powers  
of com-  
missions  
R.S.O. 1970,  
c. 390

3.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power, shall, on and after the 1st day of April, 1978, be exercised on behalf of each area municipality by the commission established by section 2 in respect of that area municipality and not by the council of any municipality or any other body.

Idem

R.S.O. 1970,  
c. 312

(2) Subject to subsections 3 and 5 and to any subsisting contracts for the supply of power to customers within the meaning of section 37a of *The Ontario Energy Board Act*, on and after the 1st day of April, 1978, each commission established by section 2 has the sole right to supply power within the area municipality in respect of which it is established, and, on behalf of the area municipality, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality, without electoral assent or other approval or authorization and such contract shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*.

R.S.O. 1970,  
c. 284

Where  
Ontario  
Hydro to  
continue to  
supply  
power

(3) Notwithstanding subsection 2, but subject to section 4, Ontario Hydro shall continue to supply power in those areas of the townships of Blandford-Blenheim, East Zorra-Tavistock, Norwich, South-West Oxford, and Zorra that it served immediately before the coming into force of this Act, and subsections 8 and 9 and section 7 do not apply.

Application  
of  
R.S.O. 1970,  
c. 354

(4) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions established by section 2.

Direct  
customers

(5) With the consent of a commission established by section 2, Ontario Hydro may supply power directly to customers within the municipality in respect of which the commission is established.

Tran-  
sitional

(6) Such management and control of works for the distribution and supply of power within the area municipalities as are exercised by hydro-electric commissions and Ontario Hydro immediately before this Act comes into force remain entrusted to them to and including the 31st day of March, 1978, but, subject to subsections 7 and 8, any of the assets, powers and responsibilities of such commissions may by agreement be transferred before that date to a commission established by section 2.

(7) On the 1st day of April, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions distributing and selling power in an area municipality to the extent that they pertain to the distribution and supply of power in the municipality, are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the municipality.

Transfer of  
assets and  
liabilities

(8) Subject to subsections 3 and 5, section 4 and the regulations, each commission established by section 2 shall acquire, on behalf of the area municipality served by the commission, the retail distribution facilities within the municipality used by Ontario Hydro on the 31st day of March, 1978, in the retail distribution of power, including equipment leased by Ontario Hydro to retail customers within the municipality for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Purchase  
of retail  
distribution  
facilities  
from  
Ontario  
Hydro

(9) If the price of the facilities referred to in subsection 8 has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to *The Arbitrations Act* in accordance with subsection 8 and the regulations, and the decision of the arbitrator shall not be subject to appeal.

Where price  
to be deter-  
mined by  
arbitration

R.S.O. 1970,  
c. 25

(10) The references to the 1st day of April, 1978 in subsections 1, 2 and 7 and sections 7 and 8 shall be deemed to refer to the 1st day of January, 1978 and the references to the 31st day of March, 1978 in subsections 6 and 8 and section 7 shall be deemed to refer to the 31st day of December, 1977 both in respect of the Town of Tillsonburg.

Tillsonburg

4.—(1) This section applies when retail power is supplied in any area municipality by both Ontario Hydro and a commission established by section 2.

Application  
of section

(2) At least once in every five years, there shall be appointed a committee to be known as the Oxford Power Supply Review Committee composed of eight members, one of whom shall be appointed by the council of each area municipality.

Oxford  
Power  
Supply  
Review  
Committee

(3) The Committee shall review the retail supply of power in the County and shall include in its review an evaluation of,

Duties



(a) the supply of power throughout the County by a single hydro-electric commission; and

(b) the supply of power throughout an area municipality by a commission established by section 2.

Report

(4) Each Committee shall complete its review within twelve months from the date that it is fully constituted and shall file its report forthwith with Ontario Hydro and send copies of the report to the clerk of the County, to the clerk of each area municipality and to each commission established by section 2.

Vesting  
of real  
property

**5.—**(1) All real property transferred pursuant to section 3 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission, shall be vested in the area municipality served by the commission.

Disposi-  
tion of real  
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to retain the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater and the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the area municipality served by the commission does not wish to retain the real property in accordance with paragraph 1, the area municipality shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with *The Public Utilities Act*.

6. Except as otherwise provided in this Act, sections 91 to 112 of *The County of Oxford Act, 1974* apply with necessary modifications to any borrowing for the purposes of a commission established by section 2.

Borrowing  
1972, c. 57

7.—(1) In this section, “transfer date”, when used in respect of an employee of a hydro-electric commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Interpre-  
tation

(2) On or before the 31st day of March, 1978, each hydro-electric commission in the area municipalities and Ontario Hydro shall designate those of their full-time employees who were employed in the distribution and supply of power in the municipalities on the 1st day of March, 1977, and who continued such employment until the 31st day of March, 1978 or until their transfer dates, as the case may be, and the commissions established by section 2 in respect of those municipalities shall offer employment to the employees so designated.

Transfer of  
employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Wages or  
salaries

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

Participa-  
tion in  
O.M.E.R.S.

(5) Where a person who accepts employment under this section with a commission established by section 2 is entitled to the benefit of a supplementary agreement between a hydro-electric commission operating within an area municipality and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission.

Supple-  
mentary  
agreements

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund

Transfer of  
pension  
credits from  
Ontario  
Hydro plan



of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

**Pension  
guarantee**

(7) Notwithstanding subsection 5, a person who accepts employment under this section with a commission established by section 2 and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit to which he would have been entitled under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1977, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 5 shall be apportioned and paid as provided by the regulations.

**Group life  
insurance**

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

**Idem**

(9) On or before the 31st day of December, 1979, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the employee was entitled immediately before his transfer date.

(10) A person who accepts employment under this section shall continue to enjoy as a term of his employment the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Sick  
leave

(11) The commissions established by section 2 shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the area municipalities by hydro-electric commissions.

Life  
insurance  
provided to  
pensioners

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Termina-  
tion for  
cause

(13) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

Special  
circum-  
stances

8. For the purposes of section 134 of *The County of Oxford Act, 1974*, the 1st day of April, 1978 is the date determined by the Minister in respect of all areas within the County, and on that date the municipal hydro-electric commissions supplying electrical power and energy in the County are dissolved and the by-laws establishing them passed pursuant to section 38 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

Dissolution  
of existing  
com-  
missions  
1974, c. 57

R.S.O. 1970,  
c. 390

9. The Lieutenant Governor in Council may make regulations,

Regulations

(a) for the purposes of subsection 8 of section 3 in respect of,

- (i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,
- (ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,



(iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

(v) the method of calculating accumulated depreciation or any component of accumulated depreciation,

(vi) the allocation of accumulated depreciation or any component of accumulated depreciation,

(vii) the method of payment of the price of the facilities;

(b) for the purposes of subsection 8 of section 7, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** The short title of this Act is *The Oxford Municipal Hydro-Electric Service Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 8 1977

ASSEMBLY PROROGUED December 16 1977

*Robert G. Curran*

CLERK  
LEGISLATIVE ASSEMBLY



An Act to provide for  
Municipal Hydro-Electric Service  
in the County of Oxford

---

*1st Reading*

November 25th, 1977

*2nd Reading*

December 7th, 1977

*3rd Reading*

December 7th, 1977

---

THE HON. J. A. TAYLOR  
Minister of Energy

---

*Pauline G. G. S. Hin*

**BILL 112**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Highway Traffic Act**

---

THE HON. JOHN P. MACBETH  
Solicitor General

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:
  - 52a.—(1) In this section, “radar warning device” means any device or equipment designed or intended for use in a motor vehicle to warn the driver of the presence of radar speed measuring equipment in the vicinity and includes any device or equipment designed or intended for use in a motor vehicle to interfere with the transmissions of radar speed measuring equipment. s. 52a. enacted Interpretation
  - (2) No person shall drive on a highway a motor vehicle that is equipped with or that carries or contains a radar warning device. Radar warning device prohibited
  - (3) A police officer may at any time, without a warrant, stop, enter and search a motor vehicle that he has reasonable grounds to believe is equipped with or carries or contains a radar warning device contrary to subsection 2 and may seize and take away any radar warning device found in or upon the motor vehicle. Powers of police officer
  - (4) Where a person is convicted of an offence under this section, any device seized under subsection 3 by means of which the offence was committed is forfeited to the Crown. Forfeiture of device
  - (5) Every person who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. Penalty
  - (6) Subsection 2 does not apply to a person who is transporting radar warning devices in sealed packages in a motor vehicle from a manufacturer to a consignee. Exception

Commence-  
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Highway Traffic Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Radnick Lewis*

CLERK  
LEGISLATIVE ASSEMBLY









An Act to amend  
The Highway Traffic Act

---

*1st Reading*

November 29th, 1977

*2nd Reading*

December 12th, 1977

*3rd Reading*

December 13th, 1977

---

THE HON. JOHN P. MACBETH  
Solicitor General

---

*Pauline L. L. L. L.*

**BILL 115**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Condominium Act**

---

THE HON. L. GROSSMAN  
Minister of Consumer and Commercial Relations

---





BILL 115

1977

## An Act to amend The Condominium Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 4 of section 13 of *The Condominium Act*, s. 13 (4), amended being chapter 77 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 133, section 10, is amended by adding at the end thereof "together with all reasonable costs, charges and expenses incurred by the corporation in connection with the collection or attempted collection of the unpaid amount".
- (2) Subsection 4a of the said section 13, as enacted by the s. 13 (4a), re-enacted Statutes of Ontario, 1974, chapter 133, section 10, is repealed and the following substituted therefor:

(4a) The lien mentioned in subsection 4 expires three Expiration of lien months after the default that gave rise to the lien first occurred unless the corporation within that time registers a notice of lien in the prescribed form, and, where the notice is registered, no further registration is required in respect of default in payment occurring or continuing after registration.

- (3) Subsection 6 of the said section 13 is repealed and the s. 13 (6), re-enacted following substituted therefor:

(6) Upon payment of the unpaid amount together with all Discharge reasonable costs, charges and expenses incurred by the corporation in connection with the collection or attempted collection of the unpaid amount and upon demand, the corporation shall give the owner a discharge in the prescribed form.

2. The said Act is amended by adding thereto the following s. 13a, enacted section:

13a.—(1) Where a lien created by subsection 4 of section 13 Lien has priority is in respect of a unit for residential purposes, that lien has

priority over every registered and unregistered encumbrance notwithstanding that such encumbrance existed prior to the lien arising.

Where  
subs. 1 does  
not apply

(2) Subsection 1 does not apply,

- (a) to a lien arising before this section comes into force;
- (b) in respect of a claim of the Crown other than by way of a mortgage or charge;
- (c) in respect of a claim for taxes, charges, rates or assessments levied or recoverable under *The Municipal Act, The Education Act, 1974, The Local Roads Boards Act, The Statute Labour Act or The Local Improvement Act*; or
- (d) to such lien or claim that may be designated by regulation.

R.S.O. 1970,  
cc. 284, 256,  
445, 255,  
1974, c. 109

Provisions  
deemed in  
mortgage

(3) Every mortgage or charge of a unit for residential purposes shall be deemed to contain a provision that,

- (a) the mortgagee or chargee has the right to collect the owner's contribution towards common expenses and shall forthwith pay any amount so collected to the corporation on behalf of the unit owner;
- (b) the owner's default in the payment of common expenses shall constitute default under the mortgage or charge; and
- (c) the mortgagee or chargee shall have the right to pay the owner's contribution towards common expenses which shall from time to time fall due and be unpaid in respect of the mortgaged premises and that such payments together with all reasonable costs, charges and expenses incurred in respect thereto, shall be added to the debt thereby secured and shall be payable forthwith with interest at the rate payable on the mortgage or charge, and, if after demand the owner fails to fully reimburse the mortgagee or chargee, the mortgage or charge shall immediately become due and payable at the option of the mortgagee or chargee.

Statement  
to  
mortgagee

(4) A corporation shall, where so requested by the holder of a mortgage or charge on a unit for residential purposes, provide, free of charge, to the person making the request a written statement setting out, in respect of the unit, the



common expenses of the owner and all payments thereof in default.

(5) Where a lien arises in respect of a unit for residential purposes, the corporation shall, on or before the day a notice of lien is registered, give notice of the lien to every encumbrancer whose encumbrance is registered against the title of the unit, by personal service of the notice or by sending the notice by registered prepaid post addressed to the encumbrancer at his last known address. Notice of  
lien to be  
given

(6) Where notice of lien is not given as provided in subsection 5, then subsection 1 ceases to apply three months after the default that gave rise to the lien first occurred, provided that where notice is given after registration of notice of lien then the corporation may register another notice of lien, but subsection 1 shall continue to apply to any lien which arose not earlier than three months before the last registration of notice of lien. Where  
notice of  
lien not  
given

3. Section 25 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 133, section 17, is further amended by adding thereto the following clause: s. 25,  
amended

(p) designating liens or claims for the purposes of clause *d* of subsection 2 of section 13a.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
5. The short title of this Act is *The Condominium Amendment Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Roderick Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY







An Act to amend  
The Condominium Act

---

*1st Reading*

November 29th, 1977

*2nd Reading*

December 13th, 1977

*3rd Reading*

December 13th, 1977

---

THE HON. L. GROSSMAN  
Minister of Consumer and  
Commercial Relations

---

*Pauline G. G. S. H.*  
**BILL 120**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---





BILL 120

1977

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 209 of *The Municipality of Metropolitan Toronto Act*, <sup>s. 209, re-enacted</sup> being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 89, section 5, is repealed and the following substituted therefor:

209.—(1) In this section and in section 209a,

Interpre-  
tation

- (a) "Board of Management" means the Board of Management of the Metropolitan Toronto Zoo;
- (b) "Metropolitan Toronto Zoo" means the zoological garden and related facilities which have been established by the Metropolitan Council or which may hereafter be established by the Council;
- (c) "Society" means the Metropolitan Toronto Zoological Society.

(2) There is hereby established a corporation without <sup>Board established</sup> share capital under the name "Board of Management of the Metropolitan Toronto Zoo" and such Board shall have a corporate seal, may sue and be sued in its own name, may enter into contracts including contracts of employment, and shall have all powers necessary for or incidental to the operation, management and maintenance of the Metropolitan Toronto Zoo.

(3) *The Corporations Act* does not apply to the Board of <sup>R.S.O. 1970, c. 89 not to apply</sup> Management.

(4) The Board of Management shall be composed of nine <sup>Composition of Board</sup> members appointed by the Metropolitan Council, of whom four shall be nominees of the Society.

Term of  
office

(5) The members of the Board of Management shall be appointed for a term of office not exceeding the term of office of members of the Metropolitan Council and shall hold office until their successors are appointed.

Chairman,  
vice-  
chairman,  
quorum

(6) The Board of Management, from among its members, shall elect a chairman and may elect a vice-chairman, and a majority of its members constitutes a quorum.

Committees

(7) The Board of Management may from time to time establish such standing or other committees, appoint as members thereof such persons, including members of the Society, and assign such duties to the committees so established as the Board deems fit.

Animal  
Acquisition  
Committee

(8) Notwithstanding subsection 7, the Board of Management shall establish an Animal Acquisition Committee and the Society may appoint one member, or with the approval of the Board of Management more than one member, of such Committee.

By-laws

(9) The Board of Management may enact by-laws for the regulation of its proceedings and for the conduct and management of its affairs.

Agreement  
to operate,  
manage and  
maintain  
Zoo

(10) The Metropolitan Corporation may enter into one or more agreements with the Board of Management entrusting the operation, management and maintenance of the Metropolitan Toronto Zoo to the Board of Management on such terms and conditions as the Metropolitan Council may consider proper.

By-laws  
re general  
policies

(11) The Metropolitan Council may by by-law establish general policies to be followed by the Board of Management in the operation, management and maintenance of the Metropolitan Toronto Zoo under an agreement entered into under subsection 10.

Surplus or  
deficit

(12) The Metropolitan Corporation is entitled to any surplus resulting from the operations of the Board of Management and is responsible for any deficit incurred by it.

Occupation  
by Board  
deemed  
occupation  
by Metro-  
politan  
Corporation  
R.S.O. 1970,  
c. 32

(13) The occupation, management and control of lands by the Board of Management under an agreement under subsection 10 shall be deemed for the purposes of subsections 4 and 5 of section 204 of this Act and of paragraph 9 of section 3 of *The Assessment Act*, to be occupation, management and control by the Metropolitan Corporation of lands used for park purposes.



(14) *The Municipal Conflict of Interest Act, 1972* does not apply to a member of the Board of Management in respect of a contract, proposed contract or other matter between the Board of Management and the Society by reason only of such member being a member or officer of the Society. Application of 1972, c. 142

209a.—(1) The Board of Management shall offer to employ every person who, on the 1st day of July, 1977, is employed by the Society in connection with the operation, management and maintenance of the Metropolitan Toronto Zoo and who continues to be so employed until the date of coming into force of an agreement under subsection 10 of section 209. Offer of employment

(2) Any person who accepts employment under subsection 1 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1978, of not less than he was receiving on the 1st day of July, 1977. Wages and salaries

(3) Employment with the Society by a person who accepts employment with the Board of Management under subsection 1 shall be deemed to have been employment with the Board of Management for the purposes of pension benefits. Pension benefits

(4) Any sick leave credits standing, on the 31st day of December, 1977 to the credit of any person who accepts employment under subsection 1 shall be placed to the credit of such employee in any sick leave credit plan established by the Board of Management. Sick leave credits

(5) Any person who accepts employment under subsection 1 shall be entitled during 1978 to holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the Society. Holidays

(6) Nothing in this section prevents the Board of Management from terminating the employment of an employee for cause. Dismissal for cause

2. Notwithstanding the repeal of section 209 of *The Municipality of Metropolitan Toronto Act* by section 1 of this Act, the Metropolitan Toronto Zoological Society shall continue to operate and manage the zoological garden under the terms of the agreement entered into under subsection 2 of the said section 209, until the coming into force of an agreement under subsection 10 of section 209, as re-enacted by section 1 of this Act. Transitional

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Lewis*







An Act to amend  
The Municipality of Metropolitan  
Toronto Act

---

*1st Reading*

December 8th, 1977

*2nd Reading*

December 13th, 1977

*3rd Reading*

December 13th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*Pauline L. L. L.*

**BILL 122**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Legislative Assembly Act**

---

THE HON. R. WELCH  
Minister of Culture and Recreation

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 122

1977

## An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, Chapter 26, section 1, is amended by striking out "\$17,200" in the first line and inserting in lieu thereof "\$19,242". s. 60 (1).  
amended
  
- (2) Subsection 5 of the said section 60, as re-enacted by the Statutes of Ontario, 1977, chapter 26, section 1, is amended by striking out "\$1,430" in the fourth line and inserting in lieu thereof "\$1,600". s. 60 (5).  
amended
  
2. The said Act is amended by adding thereto the following section: s. 83a.  
enacted

83a. The Board of Internal Economy may require any office, agency, commission or select committee of the Assembly whose estimates of moneys required are subject to review by the Board to submit to the Board on a monthly basis statements that set out current expenditures and forecast future expenditures and every such office, agency, commission and select committee shall submit the statements when so required. Board may  
require  
monthly  
statements
  
- 3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent. Commence-  
ment
  
- (2) Section 1 shall be deemed to have come into force on the 1st day of October, 1977. Idem
  
4. The short title of this Act is *The Legislative Assembly Amendment Act, 1977*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

*Dec 16 1977*

ASSEMBLY PROROGUED

*December 16*

*19 77*

*Robert Lewis*

CLERK  
LEGISLATIVE ASSEMBLY

An Act to amend  
The Legislative Assembly Act

---

*1st Reading*

December 12th, 1977

*2nd Reading*

December 13th, 1977

*3rd Reading*

December 13th, 1977

---

THE HON. R. WELCH  
Minister of Culture and Recreation

---

*Pauline H. H. H.*

**BILL 123**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act to amend The Legislative Assembly  
Retirement Allowances Act, 1973**

---

THE HON. R. WELCH  
Minister of Culture and Recreation

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





BILL 123

1977

## An Act to amend The Legislative Assembly Retirement Allowances Act, 1973

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 11 of *The Legislative Assembly Retirement Allowances Act, 1973*, being chapter 152, is amended by striking out “one-half” in the fifth line and inserting in lieu thereof “60 per cent”. s. 11 (1).  
amended
- (2) Subsection 2 of the said section 11 is amended by striking out “one-half” in the thirteenth line and in the seventeenth line and inserting in lieu thereof in each instance “60 per cent”. s. 11 (2).  
amended
2. Clause *a* of section 14 of the said Act is repealed and the following substituted therefor: s. 14 (a).  
re-enacted

(a) “average annual remuneration” means,

- (i) in respect of a person who was in receipt of an allowance immediately before the 1st day of October, 1977, the average annual remuneration of the person during any five fiscal years of his service, which years need not be consecutive, during which his remuneration was the highest, or
- (ii) in respect of a person who became entitled or who becomes entitled to an allowance on or after the 1st day of October, 1977, the average annual remuneration of the person during any three fiscal years of his service, which years need not be consecutive, during which his remuneration was highest.

s. 17.  
amended

3. Section 17 of the said Act is amended by striking out "7" in the second line and inserting in lieu thereof "8½".

s. 18 (1. 2).  
re-enacted

4. Subsections 1 and 2 of section 18 of the said Act are repealed and the following substituted therefor:

Eligibility  
for  
allowance.  
member

(1) A person who has contributed in respect of at least five years of service and who has credit in the Legislative Assembly Retirement Allowances Account for a number of years of service that, when added to his age on the date he ceases to be a member totals,

(a) in the case of a person who ceased to be a member before the 1st day of October, 1977, at least sixty years; or

(b) in the case of a person who ceased or who ceases to be a member on or after the 1st day of October, 1977, at least fifty-five years,

is entitled to an annual allowance during his lifetime upon his ceasing to be a member.

Deferred  
or  
reduced  
allowance

(2) Where a person has contributed in respect of at least five years of service but has not satisfied the sixty year rule or the fifty-five year rule, as the case requires, in subsection 1 on the date he ceased or ceases to be a member, he may elect to take a deferred annual allowance under subsection 3 at the age when he does satisfy such rule or an immediate annual allowance of a reduced amount under subsection 4.

Commence-  
ment

- 5.—(1) This Act, except sections 1 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 12th day of July, 1977.

Idem

(3) Section 3 shall be deemed to have come into force on the 1st day of October, 1977.

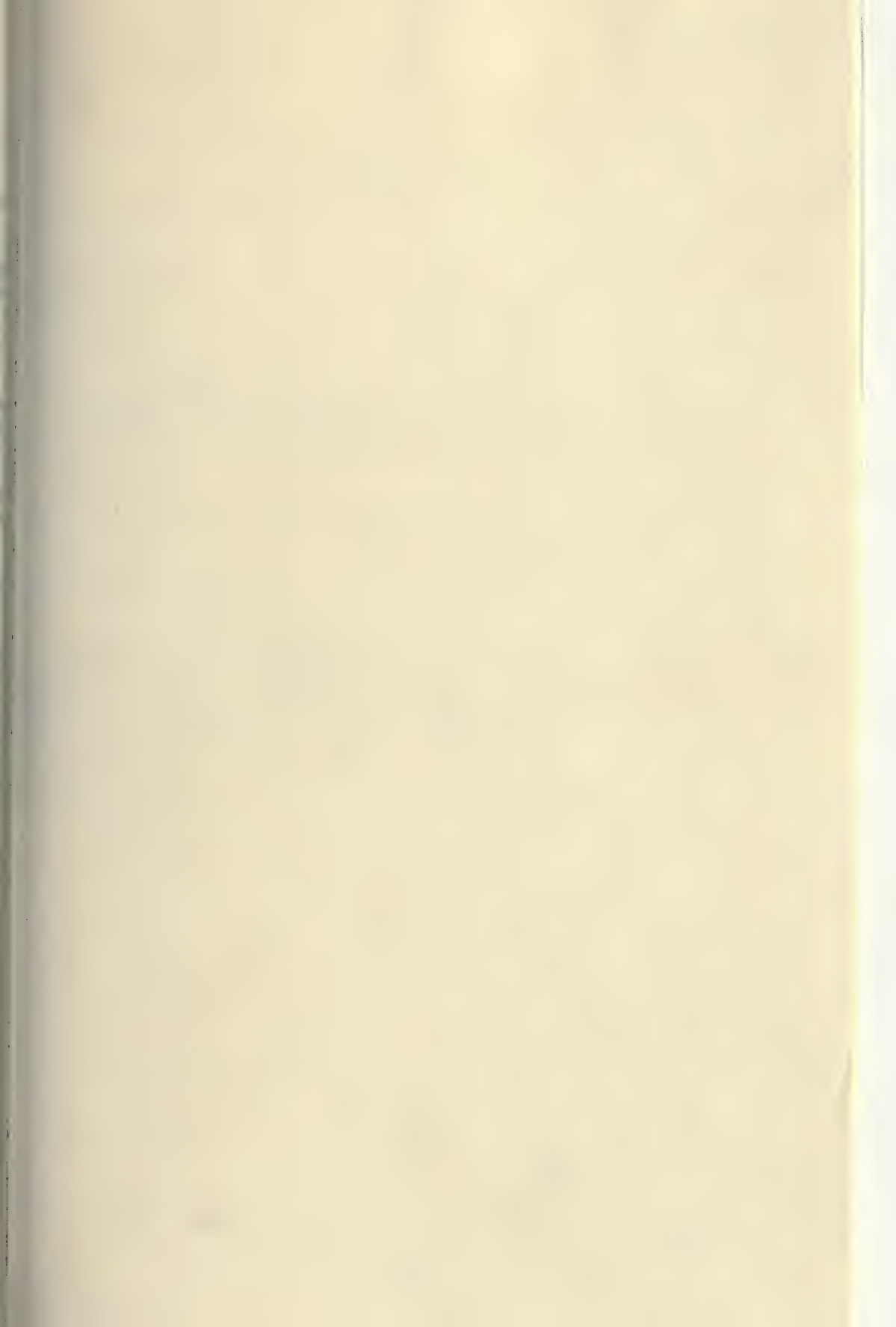
Short title

6. The short title of this Act is *The Legislative Assembly Retirement Allowances Amendment Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY









An Act to amend The Legislative  
Assembly Retirement Allowances  
Act, 1973

---

*1st Reading*

December 12th, 1977

*2nd Reading*

December 13th, 1977

*3rd Reading*

December 13th, 1977

---

THE HON. R. WELCH  
Minister of Culture and Recreation

---

*Pauline Py. L. S. Shon*  
**BILL 130**

---

1ST SESSION, 31ST LEGISLATURE, ONTARIO  
26 ELIZABETH II, 1977

---

**An Act for granting to Her Majesty certain sums of  
money for the Public Service for the fiscal year ending  
the 31st day of March, 1978**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---

---

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



11. 11. 1911

11. 11. 1911

11. 11. 1911

11. 11. 1911



11. 11. 1911

BILL 130

1977

**An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1978**

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable Preamble  
Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1978; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue \$12,349,226,300  
granted for  
fiscal year  
1977-78  
Fund a sum not exceeding in the whole \$12,349,226,300 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1977, to the 31st day of March, 1978, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of Exception  
March, 1978, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered

by the minister to whom the powers and duties are so assigned and transferred.

Accounting  
for  
expenditure

**2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Supply Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1977

ASSEMBLY PROROGUED December 16 1977

*Robert Lewis*  
CLERK  
LEGISLATIVE ASSEMBLY

## SCHEDULE

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor.	100,000		100,000
Office of The Assembly.....	14,621,500	3,347,600	17,969,100
Office of the Premier.....	1,478,000		1,478,000
Cabinet Office.....	1,077,000		1,077,000
Management Board.....	87,095,000		87,095,000
Office of the Provincial Auditor...	1,956,000		1,956,000
Office of the Ombudsman.....	3,560,000	633,500	4,193,500
Government Services.....	287,053,500		287,053,500
Northern Affairs.....	120,628,000	5,590,000	126,218,000
Revenue.....	201,574,000		201,574,000
Treasury, Economics and Intergovernmental Affairs.....	420,364,000	500,000	420,864,000
Justice Policy.....	463,000		463,000
Attorney General.....	131,025,700		131,025,700
Consumer and Commercial Relations.....	63,660,000		63,660,000
Correctional Services.....	153,871,000		153,871,000
Solicitor General.....	146,968,000		146,968,000
Resources Development Policy....	3,126,000		3,126,000
Agriculture and Food.....	165,390,000		165,390,000
Energy.....	14,620,000		14,620,000
Environment.....	267,428,000	1,670,000	269,098,000
Housing.....	382,399,000		382,399,000
Industry and Tourism.....	58,440,000		58,440,000
Labour.....	31,768,000		31,768,000
Natural Resources.....	224,646,000	4,000,000	228,646,000
Transportation and Communications.....	1,063,144,000	9,200,000	1,072,344,000
Social Development Policy.....	2,214,000		2,214,000
Colleges and Universities.....	1,272,782,000		1,272,782,000
Community and Social Services...	1,077,198,000	3,665,500	1,080,863,500
Culture and Recreation.....	165,988,000	29,000,000	194,988,000
Education.....	1,991,007,000	102,825,000	2,093,832,000
Health.....	3,833,150,000		3,833,150,000
TOTAL.....	12,188,794,700	160,431,600	12,349,226,300



Name		Address	
Mr. J. H. Smith	123 Main St.	Chicago, Ill.	
Mr. W. B. Jones	456 Oak St.	New York, N.Y.	
Mr. C. D. Brown	789 Elm St.	Philadelphia, Pa.	
Mr. E. F. Green	101 Pine St.	Boston, Mass.	
Mr. G. H. White	202 Cedar St.	San Francisco, Cal.	
Mr. I. J. Black	303 Birch St.	Los Angeles, Cal.	
Mr. K. L. Gray	404 Spruce St.	Portland, Me.	
Mr. M. N. Hall	505 Ash St.	Seattle, Wash.	
Mr. O. P. King	606 Willow St.	Denver, Colo.	
Mr. Q. R. Lee	707 Hickory St.	Minneapolis, Minn.	
Mr. S. T. Scott	808 Maple St.	St. Paul, Minn.	
Mr. U. V. Walker	909 Poplar St.	Omaha, Neb.	
Mr. W. X. Young	1010 Sycamore St.	Des Moines, Ia.	
Mr. Y. Z. Adams	1111 Walnut St.	Indianapolis, Ind.	
Mr. A. B. Baker	1212 Chestnut St.	Columbus, Ohio	
Mr. C. D. Carter	1313 Elm St.	Cincinnati, Ohio	
Mr. E. F. Evans	1414 Oak St.	Cleveland, Ohio	
Mr. G. H. Fisher	1515 Pine St.	Dayton, Ohio	
Mr. I. J. Gibson	1616 Birch St.	Richmond, Va.	
Mr. K. L. Grant	1717 Spruce St.	Petersburg, Va.	
Mr. M. N. Harris	1818 Ash St.	Charlottesville, Va.	
Mr. O. P. Hill	1919 Willow St.	Fredericksburg, Va.	
Mr. Q. R. Howell	2020 Hickory St.	Warrenton, Ore.	
Mr. S. T. Hunt	2121 Maple St.	Portland, Ore.	
Mr. U. V. Ingram	2222 Poplar St.	San Jose, Cal.	
Mr. W. X. Jackson	2323 Sycamore St.	San Diego, Cal.	
Mr. Y. Z. Johnson	2424 Walnut St.	San Antonio, Tex.	
Mr. A. B. Keith	2525 Chestnut St.	Austin, Tex.	
Mr. C. D. Knight	2626 Elm St.	Dallas, Tex.	
Mr. E. F. Lamb	2727 Oak St.	Ft. Worth, Tex.	
Mr. G. H. Little	2828 Pine St.	El Paso, Tex.	
Mr. I. J. Long	2929 Birch St.	Phoenix, Ariz.	
Mr. K. L. Martin	3030 Spruce St.	Tucson, Ariz.	
Mr. M. N. Miller	3131 Ash St.	Albuquerque, N.M.	
Mr. O. P. Nelson	3232 Willow St.	Salt Lake City, Utah	
Mr. Q. R. Oliver	3333 Hickory St.	Provo, Utah	
Mr. S. T. Parker	3434 Maple St.	St. George, Utah	
Mr. U. V. Quinn	3535 Poplar St.	Las Vegas, Nev.	
Mr. W. X. Reed	3636 Sycamore St.	Reno, Nev.	
Mr. Y. Z. Russell	3737 Walnut St.	Carson City, Nev.	
Mr. A. B. Scott	3838 Chestnut St.	Sparks, Nev.	
Mr. C. D. Stettin	3939 Elm St.	Yreka, Cal.	
Mr. E. F. Thomas	4040 Oak St.	Redding, Cal.	
Mr. G. H. Turner	4141 Pine St.	Chico, Cal.	
Mr. I. J. Vance	4242 Birch St.	Yuba City, Tex.	
Mr. K. L. Webb	4343 Spruce St.	Wichita, Kan.	
Mr. M. N. West	4444 Ash St.	Topeka, Kan.	
Mr. O. P. Wright	4545 Willow St.	Lawrence, Kan.	
Mr. Q. R. Xavier	4646 Hickory St.	Overland Park, Kan.	
Mr. S. T. York	4747 Maple St.	Wichita Falls, Tex.	
Mr. U. V. Zachary	4848 Poplar St.	Midland, Tex.	
Mr. W. X. Allen	4949 Sycamore St.	Odessa, Tex.	
Mr. Y. Z. Baker	5050 Walnut St.	Big Spring, Tex.	



An Act for granting to Her Majesty  
certain sums of money for the Public  
Service for the fiscal year ending the  
31st day of March, 1978

---

*1st Reading*

December 16th, 1977

*2nd Reading*

December 16th, 1977

*3rd Reading*

December 16th, 1977

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---







